



BROMLEY CIVIC CENTRE, STOCKWELL CLOSE, BROMLEY BR1 3UH

THE LONDON BOROUGH  
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FAX: DATE: 11 December 2023

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

Councillor Jonathan Andrews (Chairman)  
Councillor Tony Owen (Vice-Chairman)  
Councillors Dr Sunil Gupta FRCP FRCPath, Christine Harris, Alisa Igoe, Julie Ireland,  
Alexa Michael, Shaun Slator and Mark Smith

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre,  
Stockwell Close, Bromley, BR1 3UH on **THURSDAY 21 DECEMBER 2023 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**

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**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)**

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**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 26TH OCTOBER 2023**  
(Pages 1 - 6)
- 4 PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Beckenham Town & Copes Cope	7 - 26	(22/04039/FULL2) - School House, Overbury Avenue, Beckenham BR3 6PZ
4.2	Orpington	27 - 38	(22/04947/ELUD) - 243 Court Road, Orpington, BR6 9BY
4.3	Bromley Common & Holwood	39 - 52	(23/02655/FULL6) - 66 Pope Road Bromley BR2 9QB
4.4	St Mary Cray	53 - 64	(23/02677/FULL6) - 51 Furzehill Square, Orpington, BR5 3SN
4.5	Bickley & Sundridge	65 - 82	(23/02774/NDFLAT) - Summerfield, 3 Freelands Road, Bromley, BR1 3AG.
4.6	Plaistow	83 - 96	(23/03952/FULL6) - 153 Ridgeway Drive, Bromley, BR1 5DB

- 5 CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

- 6 TREE PRESERVATION ORDERS**

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 7.00 pm on 26 October 2023

### **Present:**

Councillor Jonathan Andrews (Chairman)  
Councillor Tony Owen (Vice-Chairman)  
Councillors Dr Sunil Gupta FRCP FRCPath, Christine Harris,  
Alisa Igoe, Julie Ireland, Alexa Michael, Shaun Slator and  
Mark Smith

### **Also Present:**

Councillor Pauline Tunnicliffe

## **13 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no apologies for absence.

## **14 DECLARATIONS OF INTEREST**

There were no declarations of interest.

## **15 CONFIRMATION OF MINUTES OF MEETING HELD ON 31 AUGUST 2023**

The minutes of the meeting held on 31 August 2023 were confirmed and signed as a correct record.

## **16 PLANNING APPLICATIONS**

### **16.1 BICKLEY & SUNDRIKE (17/02468/COND8) - St Hugh's Playing Fields Bickley Road, Bickley, Bromley**

Details submitted to comply with the requirements of the following condition in relation to planning permission Ref: 17/02468/FULL1: Condition 24 - Community Use Agreement (full details contained in the Report).

In a presentation given by Planning, the Committee were informed that this application was initially called-in and went before Plans Sub-Committee No.1 on 31<sup>st</sup> March 2022. The application was deferred for further

consideration of a reduction in hours of community use within the Community Use Agreement. The applicant has now submitted an updated version of the Community Use Agreement, and this is now being put forward to the Committee for consideration.

Members having considered the report, objections and representations **RESOLVED** that **DETAILS BE APPROVED** as recommended, subject to the conditions set out in the report and with the following **Informative:**

- 1. Any future alterations to increase the hours of community access/use would require a further application to be submitted and may not be viewed favourably by the Local Planning Authority.**

**16.2  
ORPINGTON**

**(22/04947/ELUD) - 243 Court Road, Orpington, BR6 9BY**

Use of C3(a) dwellinghouse as C3(b) dwellinghouse.  
(RETROSPECTIVE). LAWFUL DEVELOPMENT CERTIFICATE (EXISTING).

An oral representation in objection to the application was received from a local resident. The Speaker informed the Committee that he was representing the views of neighbours and local residents.

The Committee were informed that local residents have been subjected to verbal abuse and anti-social behaviour by residents of the property on a number of occasions. It is felt that residents are living in the property in an unsupervised and unregulated manner. Local Enforcement Teams and the Police are involved on regular occasions but with little or no effect. It was stated that the landlord/owner is dismissive of the situation and is also hard to contact to discuss matters.

The Speaker also highlighted residents' concerns regarding the suitability of the property for the purpose of providing care to its residents, with access difficulties at both the front and rear of the property. There were also queries raised regarding the use of the garden shed and concerns over whether it was being used as accommodation, together with questions over live-in staff.

The Speaker acknowledged that not all of the residents' concerns were specifically related to planning matters, but it was felt important to bring all the areas of concern before the Committee.

An oral representation in support of the application was then given by the Applicant, who is also the Landlord of the property.

The Committee heard that the property houses residents from long-term hospital care, who receive supported care to enable them to transition into fully independent living. The care/support is provided in partnership with the Local Authority, Social Workers, Psychiatric Nurses, GPs and other voluntary organisations.

In response to questions from the Committee, the Speaker explained that staff are on call 24/7, the residents are never left unsupervised, and the length of stay depends on the individual and is a joint consideration by several bodies.

The Speaker also confirmed that she would be prepared to meet Councillors on site to discuss any queries and to also meet with Ward Councillors and residents if required.

Visiting Ward Member, Councillor Pauline Tunnicliffe, then gave an oral representation in objection to the application. Members heard that Councillor Tunnicliffe had been aware of the property and situation for around two years, together with the many examples of anti-social behaviour provided by local residents. It was again acknowledged that a lot of the residents' concerns could not be taken into account when the Committee were considering the application. Councillor Tunnicliffe added that as there are vulnerable people living at this address, it has to be suitable accommodation to meet their needs.

During the discussion of the application a number of Committee Members raised concerns over whether adequate care is being provided to residents and also the level of staffing at the property.

In response to a question regarding the provision of additional information, A member of the Planning team explained that the focus should be on

determining the use of the property at the time the application was made. Details of residents' care would be best provided by other bodies.

Members having considered the report, objections and representations **RESOLVED** that the **application be DEFERRED without prejudice to seek additional evidence of the existing use including the extent and nature of care provided and allow for an organised site visit by members. Application to be returned to Plans Sub Committee 3.**

**16.3  
CRYSTAL PALACE &  
ANERLEY CONSERVATION  
AREA**

**(23/03026/FULL1) - Crystal Palace Park, Thicket Road, Penge, London, SE20 8DT**

Changing place facility for users of the park with severe disabilities at land adjacent to the Crystal Palace Park Café.

In an update provided by Planning, the Committee were informed that although The Gardens Trust had raised an initial objection, they now had no objections to the application/plans.

Mollie Lyon from the L B Bromley Regeneration Team attended the meeting to answer any queries from the Committee regarding the application. It was noted that all Councillors supported the scheme and had no objections to the approval of this application.

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

**16.4  
CRYSTAL PALACE &  
ANERLEY**

**(23/03116/PLUD) - Pedestrian Subway Under Crystal Palace Parade, Crystal Palace Parade, Anerley, London**

The proposal consists of the erection of 3 no. electrical cabinets to supply the Crystal Palace Subway with small power, lighting and emergency lighting. These are to be erected to the north of the site (Lawful Development Certificate Proposed).

Members having considered the report and representations **RESOLVED** that the **CERTIFICATE BE GRANTED** as recommended.

**17 CONTRAVENTIONS AND OTHER ISSUES**

**NO REPORTS**

**18 TREE PRESERVATION ORDERS**

**NO REPORTS**

The Meeting ended at 8.12 pm

Chairman

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<b>Committee Date</b>	21.12.2023	
<b>Address</b>	School House Overbury Avenue Beckenham	
<b>Application Number</b>	22/04039/FULL2	<b>Officer</b> - Gill Lambert
<b>Ward</b>	Beckenham Town And Copers Cope	
<b>Proposal</b>	Change of use of School House from educational (school) use falling within Class F1 to a pre-school (Class E(f)). RETROSPECTIVE	
<b>Applicant</b>	<p>Mr Michael Fall</p> <p>Langley Park School for Girls Hawsbrook Lane South Eden Park Road Kent BR3 3BE</p>	<b>Agent</b>
		Miss Tara Johnston  The Minster Building 21 Mincing Lane London EC3R 7AG
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes – Called in by Cllr Tickner re: loss of residential unit, unacceptable noise and disturbance to adjoining residents, lack of parking and traffic management

<b>RECOMMENDATION</b>	Application Permitted
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KEY DESIGNATIONS
Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 9 Urban Open Space

<b>Land use Details</b>
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	Use Class or Use description	Floor space (GIA SQM)
Existing	F1 - Education	50
Proposed	E(f) – Pre-school	50

<b>Representation summary</b>	Neighbour letters were sent 25.10.2022 and 26.10.2022 (Amended description) A non-statutory site notice was displayed at the site on 01.11.22
Total number of responses	17
Number in support	0
Number of objections	17

## **UPDATE**

This application was deferred by Members at the Plans Sub-Committee No.1 on 23<sup>rd</sup> November in order to seek further noise assessments and confirmation that the existing noise from children playing outside is not a nuisance to neighbouring residential properties.

An additional noise survey was carried out on 5<sup>th</sup> and 6<sup>th</sup> December 2023 with the readings taken from the rear gardens of Nos.10 and 11 Holmdene Close, and a Noise Report was subsequently submitted on 7<sup>th</sup> December 2023. The findings of the Noise Survey are as follows:

- There was relatively little noise observed from the pre-school on Tuesday 6th December. This may, in part, be due to the poor weather conditions on this day. There was more noise from the pre-school observed on Wednesday 7th December.
- Noise observed from the pre-school is louder in the garden of 11 Holmdene Close than it is in 10 Holmdene Close by around 5 dB.
- Primary school breaktimes generally increase the average noise level more than the pre-school and occur for a greater cumulative proportion of the day. However, the noisiest specific events from the pre-school were louder than that of the primary school at both receptors.
- Long-term average noise levels are comparable between both the pre-school and primary school, where the pre-school noise levels are dominated by infrequent louder events, and primary school by more constant, distant noise. Such distinct events are likely to attract attention to a greater degree, despite being less frequent.
- It should be noted that the primary school would not be playing on the external field due to the ground conditions, therefore primary break-time levels are likely to be higher in summer (as discussed in the previous July 2023 report).

The report goes on to say:

“The recommendations of the previous report on minimising noise impact from the pre-school remain, in that by aligning the breaktimes of the pre-school and primary school, the noise from the primary school may help to mask the single noise events of the pre-school and reduce the overall time that residents are exposed to noise from school (both pre and primary) activity.

A study has been presented on the possible benefit of upgrading the existing fence and it is shown that the increase in mass that would be offered by a specialist acoustic fence is not likely to provide any tangible benefit to residents. Instead, it is recommended that the existing fence is inspected to ensure that there are no gaps or holes. Any such gaps or holes should be filled or boarded/battened over in order to maintain the sound insulation performance of the fence.”

Further information has also been submitted by the Applicant in order to address some of the issues raised by Members at the previous committee meeting. The information is summarised as follows:

- Premises - The premises has more than adequate outdoor space at the front of the building which the children enjoy on a daily basis. The outdoor activities the children explore each day include: mud kitchen, balancing apparatus, water/sand unit, scooters, bikes, seesaw, slide, garden tables and chairs, hoops and balls, planters for digging and growing, etc., (photographs can be found on the website).

There are three classrooms, one downstairs and two upstairs. The main classroom downstairs is surrounded by Montessori based equipment on shelves which is especially suitable for small group activities, one-to-one education and independent learning (photographs can be found on the website). These facilities are particularly beneficial for the four vulnerable children attending the setting, and as stated on our website SEN children are very welcome.

- Asbestos - We have a yearly asbestos inspection. During the last inspection in March this year the report indicated very low/low risk in all four areas: Loft, garage roof, canopy outside the front door, under the floorboards in the main classroom (please note the floorboards are also covered completely with thick lino). We have a full asbestos risk assessment, weekly inspections, full signage and all staff are fully asbestos trained.
- Ofsted - Ofsted carried out a full Regulatory Inspection of the premises on 28<sup>th</sup> November 2023. During this inspection the Ofsted Inspector looked at all the asbestos signage and the risk assessment and had no concerns whatsoever with regards to the asbestos on the premises or any other matters to do with the building other than the lack of planning permission. Please can we point out this was an Ofsted premises inspection not the full Education Inspection.

On the back of the Ofsted visit, Bromley Council Early Years visited on Friday 1st December to have a general look at the building and check on the asbestos risk assessment and inspection report.

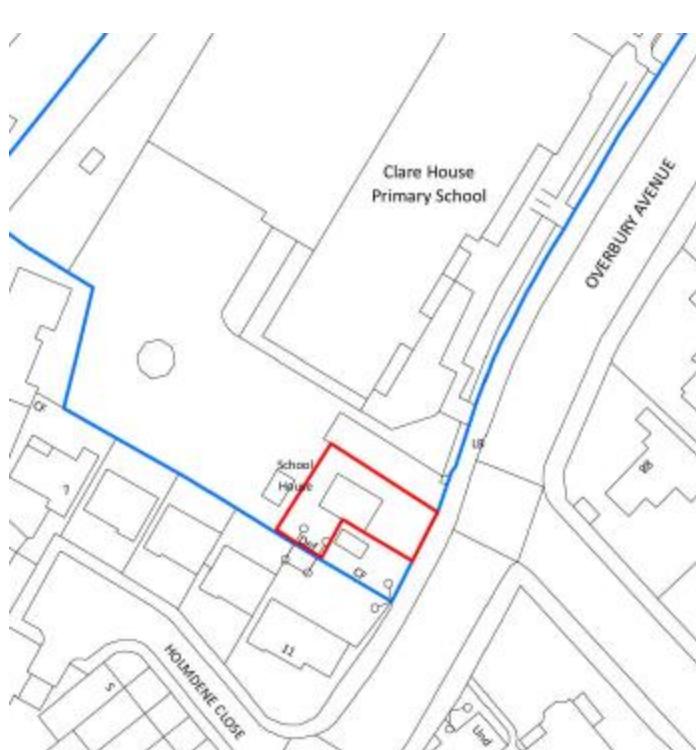
- Retrospective application - The planning permission being retrospective was no fault of ours. We trusted Clare House Primary School to have suitable planning permission for us to use the School House for pre-school purposes. Having received the Licence for Alterations relating to the School House in August 2022 we asked Clare House Primary School on many occasions if we could have copies of other relevant documents. We did receive some other documents that did indicate that the building could be used for education purposes.

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals do not result in the loss of a residential dwelling
- The development would not adversely affect the amenities of neighbouring residential properties, subject to safeguarding conditions
- The proposals would not have adverse impacts on parking or highway safety.

## 2 LOCATION

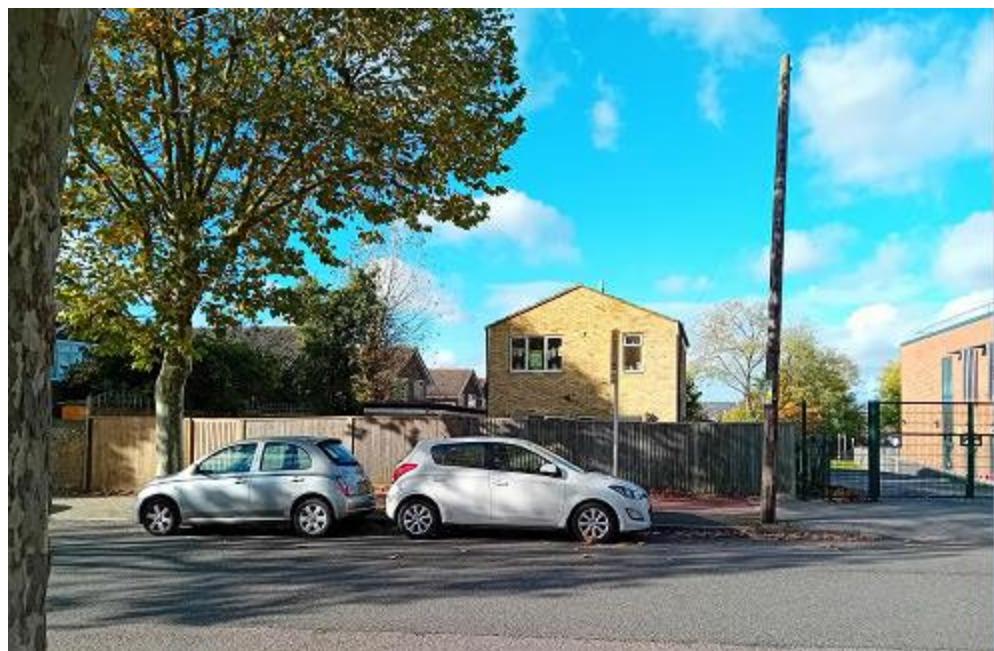
- 2.1 This two storey school house building lies at the southern end of Clare House Primary School's grounds, and fronts onto Overbury Avenue where it meets Stanley Avenue. It was formerly the school caretaker's house, but it has not been used for residential purposes since 2002. Permission was granted for educational use in 2005 ancillary to Clare House Primary School, and until recently, the school house building was being used by the primary school for a variety of educational purposes and associated storage.
- 2.2 The school house building is bounded to the west and north by the primary school's grounds and to the south by residential dwellings at Nos.10 and 11 Holmdene Close.



**Figure 1 – Site location plan**



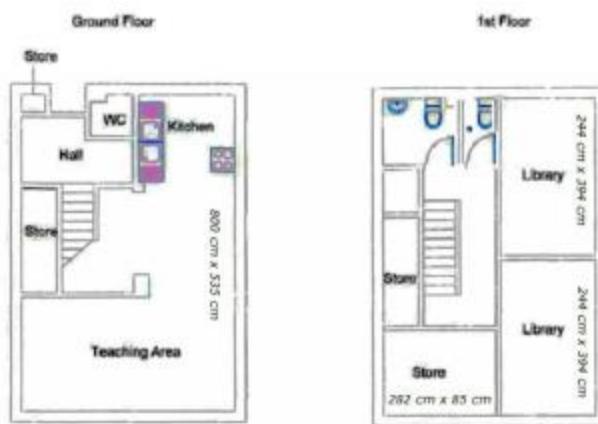
**Figure 2 – Aerial view**



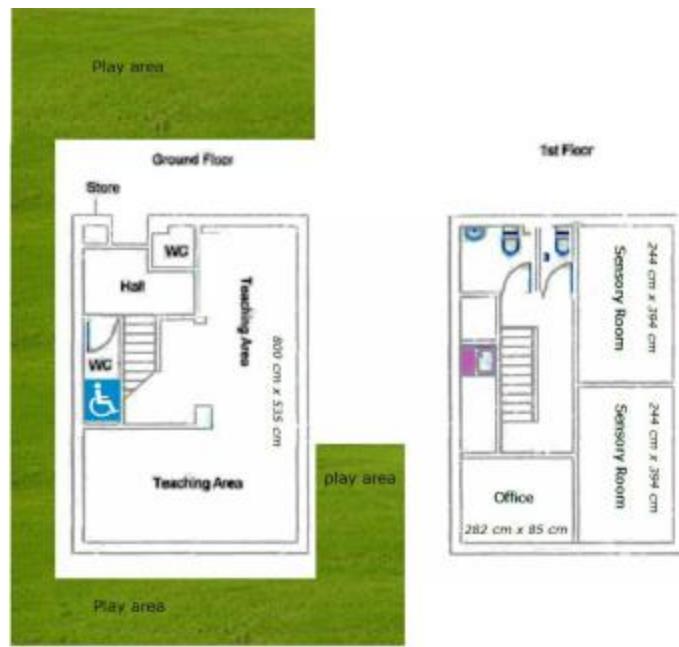
**Figure 3 – Front elevation of School House**

### **3 PROPOSAL**

- 3.1 Retrospective planning permission is sought for the change of use of the School House building located within the grounds of Clare House Primary School from educational use (Class F1) to a pre-school use (Class E(f)). The use began on 5th September 2022, following the closure of the pre-school's former premises at the United Reformed Church Beckenham. No external changes have been carried out to the building.
- 3.2 The application states that the pre-school operates independently from Clare House Primary School and accommodates 10 pre-school aged children and 4 staff at any one time (a total of 6 staff work part-time). The pre-school is open from 8.30am until 2.30pm and most of the children stay for this length of time. The age range of the children is from 2 years old until school age.
- 3.3 The application is supported by the following documents:
- Planning Statement
  - Noise Impact Assessment submitted 12<sup>th</sup> July 2023
  - Additional Noise Survey – December 2023



**Figure 4 – Previous floor layouts of School House**



**Figure 5 – Existing floor layouts of School House**

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

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Permission was refused in November 2004 (ref.04/03337/FULL2) for the change of use of the school house to a children's day care nursery for up to 33 children between the ages of 7 months and 5 years along with two storey side and single storey side and rear extensions and the provision of 7 surface car parking spaces on the following grounds:
  - 1 The proposed day nursery would be detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to be able to continue to enjoy by reason of additional noise and disturbance which would be likely to be generated by the use, thereby contrary to Policies C1 and C8 of the second deposit draft Unitary Development Plan (September 2002).
  - 2 The proposed single storey rear extension by reason of its excessive rearward projection would be out of proportion and harmful to the appearance of the original dwelling and would also result in a loss of outlook for occupants of Nos. 9-11 Holmdene Close thereby contrary to Policies E.1 and H.3 of the adopted Unitary Development Plan and Policies BE1 and H8 of the second deposit draft Unitary Development Plan (September 2002).
- 4.3 Permission was granted in December 2005 (ref.05/03776/FULL2) for the change of use of the school house to educational use.

#### **4 CONSULTATION SUMMARY**

## **A) Statutory/Non-Statutory**

### Highways – No objections

The site is in an area with a PTAL rate of 1b on a scale of 0 – 6b, where 6b is the most accessible.

The proposed change of use would permit the pre-school to open weekdays only from Monday to Friday, between 8:30am- 2:30pm. 10 children and 4 staff occupy the property at any one time.

There is some capacity to park within the curtilage of the site, and it is adjacent to a primary school which means that some children may have siblings at the school which would reduce the trip generation and the short stay parking demand in the area.

As the number of children and staff members are modest, the proposal is not considered to have a significant impact on the trip generation and parking demand in the area. No highways objections are therefore raised to the proposal.

### Environmental Health Pollution – No objections

With regard to the Noise Impact Assessment (NIA) by MZA Acoustics, Ref: 1700888 Rev P01, dated July 2023, the assessment of the measured noise levels has satisfactorily considered the character, duration, frequency and context of the noise, and has properly evaluated the impact on neighbouring premises. The report has concluded that the impact of the development should be relatively low. This conclusion has been reached considering the absolute levels but also considering the change in the noise environment relative to the use of the playgrounds from the Primary School. The assessment has shown that the nature of sound from both sources is similar when considering the frequency.

The playground, which is the focus of the assessment, is only used by the Pre-School for 30 minutes on any day, whereas the Primary School playground areas are in use for 2 hours or more. The levels from the Primary School playground area at the nearest location to the Pre-School have similar noise levels to the Pre-School play area which is closer to the worst affected premises.

It has been noted and accepted that the noise assessment was taken over a 3-day period and so levels may vary with potential for noise impact to increase, particularly if the nature of the sound includes more in the way of high-pitched screaming and/or screeching. However, given the short time period and the existing similar characteristic noise environment in the area from the Primary School use, no environmental health objections are raised to the proposal subject to the imposition of safeguarding conditions, including some which are taken from the recommendations given in the NIA report.

Updated comments from Environmental Health Pollution with regard to the December 2023 noise survey submitted will be reported verbally at the meeting.

## **B) Adjoining Occupiers**

### Parking and traffic (addressed in paras 7.2.4 & 7.2.5)

- The pre-school use would result in more staff parking and visitor activity with no provision for additional traffic and parking
- Hazardous parking which blocks dropped kerbs and creates blind spots
- The expansion of Clare House Primary School has already exacerbated parking problems in the area.

### Residential amenity (addressed in paras 7.3.3, 7.3.4 & 7.3.5)

- Significant increase in noise disturbance to neighbours since the pre-school opened
- Noise from children playing outside has a detrimental impact on the use of neighbouring gardens
- Overlooking of neighbouring properties from first floor windows in the pre-school building
- Lack of privacy for neighbours when using their rear gardens
- Inadequate screening to neighbouring properties
- Conditions should be imposed to control the noise.

### General (addressed in paras 7.1.2, 7.1.3, & 7.3.3)

- There are already Montessori nursery schools operating in the local area, therefore, refusing the current application would have a minimal impact on nursery provision
- The school house should only be used to enhance the curriculum of Clare House Primary School as previously permitted
- Query the accuracy of the Noise Impact Assessment submitted.

## **C) Local Groups**

### West Beckenham Residents' Association (addressed in paras 7.1.2, 7.1.3, 7.2.4, 7.2.5, 7.3.3, 7.3.4 & 7.3.5)

- Excessive noise disturbance to neighbouring properties
- It is understood that the school's policy is to teach outside whenever possible, causing continuous noise disturbance not just during breaks
- There is little screening between the play areas and neighbouring gardens
- Overlooking of neighbouring properties from upper windows
- Increased parking in the area
- Conditions should be imposed to limit the number of children and the operating hours, and require noise shielding barriers to neighbouring properties.

## **5 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 updated on 5<sup>th</sup> September 2023, and is a material consideration.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

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

### **The London Plan**

- D1 London's form and characteristics
- D4 Delivering good design
- T6 Car parking

### **Bromley Local Plan 2019**

- 20 Community Facilities
- 27 Education
- 28 Education Facilities
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 119 Noise

### **Supplementary Planning Guidance**

Bromley Urban Design Guide SPD (2023)

## **7 ASSESSMENT**

### **7.1 Principle - Acceptable**

- 7.1.1 Permission was granted in 2005 for the use of the school house for educational purposes ancillary to Clare House Primary School, and the current use as a pre-school has not therefore resulted in the loss of education/community facilities which is a main aim of Policy 20 of the BLP.
- 7.1.2 The re-use of this school building for use as a pre-school also accords with Policy 27 of the BLP which aims to ensure the provision of an appropriate range of educational facilities to cater for lifelong learning across the spectrum from early years to higher education.

7.1.3 Policy 28 of the BLP confirms the Council's support for proposals for educational facilities which meet a local need. In this regard, the applicant confirms that there is a continuing need for Beckenham Montessori Pre-school to remain within the local area as it previously served the Beckenham area for around 45 years at its former site at the United Reformed Church, Beckenham.

## 7.2 Highways – Acceptable

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.2.4 The pre-school opens between the hours of 8.30am and 2:30pm on Mondays to Fridays during term times only, and as only 10 children and 4 staff occupy the property at any one time, the proposal is not considered to have a significant impact on the trip generation and parking demand in the area. No highways objections are therefore raised to the proposal.
- 7.2.5 Residents have raised concerns about increased staff parking and visitor activity with no provision for additional traffic and parking. However, there is some capacity to park within the curtilage of the site, and it is adjacent to a primary school which means that some children may have siblings at the school which would reduce the trip generation and the short stay parking demand in the area.

## 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 Policy 119 of the BLP seeks to minimise adverse impacts on noise sensitive receptors by requiring a full noise/vibration assessment to be submitted for developments likely to generate noise and/or vibration in order to identify issues and appropriate mitigation measures. It goes on to say that "External amenity areas should incorporate acoustic mitigation measures such as barriers and sound absorption where this is necessary and will assist in achieving a reasonable external noise environment."

7.3.3 Nearby residents in Holmdene Close have raised concerns about noise disturbance from children playing outside and loss of privacy in their rear gardens. A Noise Impact Assessment was submitted by the applicant in July 2023 which concluded that the noise impact of the development should be relatively low. The Council's Environmental Protection Officer (Pollution Control) was satisfied that the assessment of the measured noise levels had properly considered the character, duration, frequency, and context of the noise and evaluated the impact on neighbouring premises, and confirmed that no environmental health objections were raised to the proposals subject to the imposition of the following safeguarding conditions regarding screening to neighbours' gardens and restrictions on the use of the external play area:

- Within 1 month of the permission hereby permitted a suitable fence/screen in front of the existing adjacent neighbours' fence, shall be erected in such a position as shall be agreed and approved in writing by the Local Planning Authority, for such a purpose to avoid students directly hitting the neighbours' fence (either themselves, or with play equipment/balls), and the fence/screen shall be permanently retained thereafter.

Reason: In the interest of the amenities of nearby properties and in order to comply with Policy 37 of the Bromley Local Plan.

- (a) The children using the designated external play area for the Pre-School as described in the Noise Impact Assessment by MZA Acoustics, Ref: 1700888 Rev P01, dated July 2023 shall be limited to not more than 10 children at any one time, with the area only used for a maximum of 30 minutes on any one day.  
  
(b) The use of the external play area as defined in (a) shall be limited to Mondays to Fridays inclusive and the hours shall coincide with the existing Primary School break time routines where possible.  
  
(c) Staff shall be made aware of the requirement to effectively manage noise during play times, to minimise the impact on their neighbours.

Reason: In the interest of the amenities of nearby properties and in order to comply with Policy 37 of the Bromley Local Plan.

Further comments from the Environmental Health Pollution Officer with regard to the additional noise survey carried out in December 2023 will be reported verbally at the meeting.

7.3.4 Nearby residents in Holmdene Close have also raised concerns about overlooking from first floor windows in the pre-school building. There is a first floor flank window serving a sensory room which faces the rear of properties in Holmdene Close (see **Figure 6**), but it has an obscure film over the main part of the glazing which prevents undue overlooking of neighbouring properties (see **Figure 7**).



**Figure 6 - First floor flank window facing Holmdene Close**



**Figure 7 – Internal view from first floor flank window of pre-school**

A condition can be imposed to ensure that it remains obscure glazed.

- 7.3.5 A rear-facing window to the same room is clear glazed, and overlooks mainly the grounds of the primary school (see **Figure 8**), and does not therefore result in significant overlooking of neighbouring properties.



**Figure 7 – Internal view from first floor rear window of pre-school**

## **8 CONCLUSION**

- 8.1 Having had regard to the above, it was considered that the proposal would not result in a significant loss of amenity to local residents, subject to safeguarding conditions, and does not impact detrimentally on parking or road safety in 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: PERMISSION BE GRANTED**

**(As amended by documents received on 12.07.2023 and 07.12.2023)**

**Subject to the following conditions:**

**Standard condition:**

**1. Retain in accordance with approved plans**

**Time limited condition:**

**2. Screening to neighbours' gardens**

**Compliance conditions:**

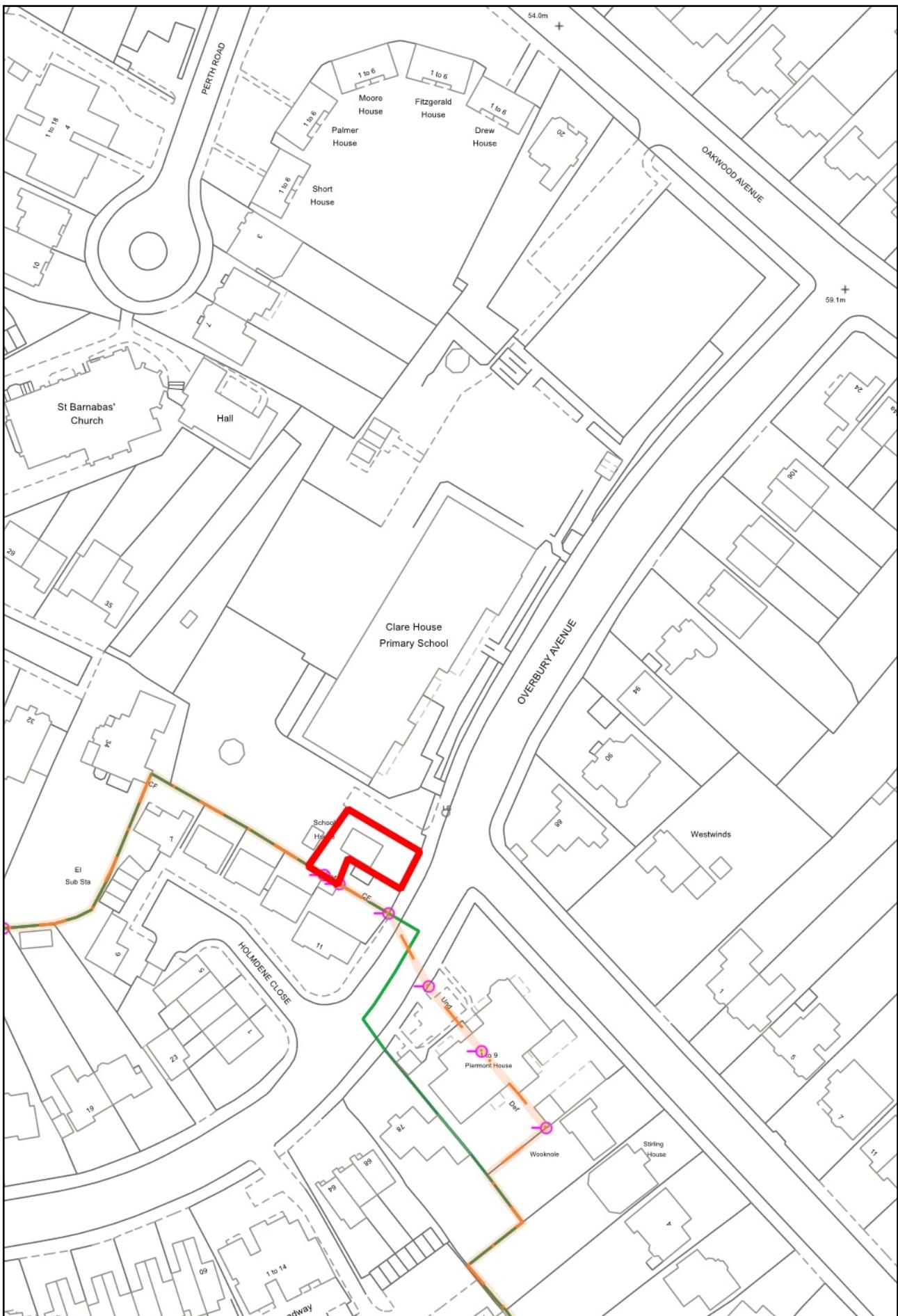
**3. Limit hours and numbers of children**

**4. Restrictions on use of external play area**

**5. Obscure glazed flank window**

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

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<b>Committee Date</b>	21.12.2023	
<b>Address</b>	243 Court Road Orpington BR6 9BY	
<b>Application Number</b>	22/04947/ELUD	<b>Officer</b> - Robin Evans
<b>Ward</b>	Orpington	
<b>Proposal</b>	Use of C3(a) dwellinghouse as C3(b) dwellinghouse. (RETROSPECTIVE). LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)	
<b>Applicant</b>	<b>Mrs Norma Goldsmith</b>  380 Kingsland Road London N21 3NA	<b>Agent</b>  Mr Clyde Bacchus
		65 Ashley Road Kingswood Lodge Flat 3 Walton On Thames Surrey KT12 1HQ
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes – Cllr Tunnicliffe – residents concerns.

<b>RECOMMENDATION</b>	Existing Use/Development is Lawful
<b>KEY DESIGNATIONS</b> Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 31	

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3(a) dwellinghouse	125
Proposed	C3(b) dwellinghouse	125

<b>Representation summary</b>	Neighbour letters sent 11.05.2023 Site notices displayed 16.05.2023
Total number of responses	12
Number in support	0
Number of objections	12

## UPDATE

This Lawful Development Certificate application was considered by Plans Sub Committee No. 3 at the meeting held on 26 October 2023.

Members resolved to defer the decision of this Lawful Development Certificate application to seek the submission of additional information of the existing use including the extent and nature of care provided and the completion of a Members Site Visit. The Planning Committee also queried the use of an outbuilding and the extent of planning investigations that had been carried out.

The Members Site Visit was carried out on 9 December 2023.

At the time of writing the Applicant has not provided any additional information in support of the application.

A Planning Investigations Officer has recently visited the site to examine the outbuilding and confirms that it is in use as a day-room for activities such as hobbies or television. It is not in use as a bedroom to accommodate a resident, nor as a separate independent unit of living accommodation.

The original report is repeated below, updated where necessary.

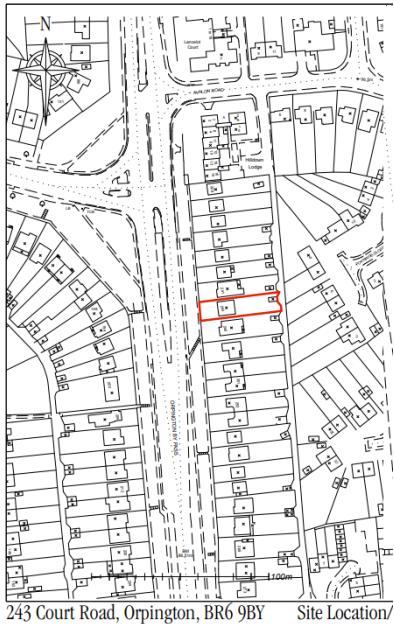
### 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The use of the property from C3(a) to C3(b) is lawful.

### 2. LOCATION

2.1 The application site is No. 243 Court Road, Orpington, a detached single storey bungalow located on the eastern side of the highway close to the junction with Spur Road. The dwelling has a single storey flat roofed rear extension. There are some outbuildings in the rear of the property although they are not included in this application and are not included in the assessment or decision.

2.1.2 Figure 1 Site location plan.

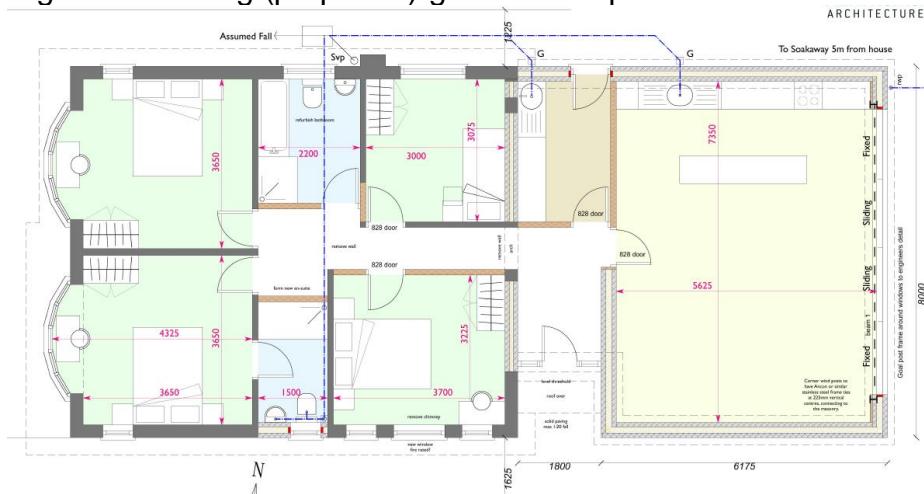


### 3. PROPOSAL

- 3.1 The proposal seeks formal confirmation from the Council that the use of the C3(a) dwellinghouse use by a single person or a family as C3(b) dwellinghouse is lawful.
- 3.2 For completeness and the avoidance of doubt:
  - C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child
  - C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- 3.3 The Applicant advises that Goldsmith Personnel Ltd is the Care and Support Provider and is registered with the Care Quality Commission holding individual contracts with the London Borough of Bromley and other Local Authorities. However, the Applicant advises that the service that is provided at 243 Court Road is not regulated as it does not involve Personal Care.
- 3.4 In relation to the nature of the care being provided the Applicant advises:
  - staff arrangements: The staff are on duty 24/7 on a rota system with 2 members of care staff on-site at all times for the 3 residents, including some ad hoc staff that join for 1:1 intensive support as required by the client in their support plan. The staff work in partnership with the Community Multi-Disciplinary Team; including Social Workers, Community Psychiatric Nurses, Registered Consultants, GPs and other voluntary organisations like Mind, and local Drugs and Alcohol teams, and can liaise with the Community Mental Health Team as necessary according to the residents' needs.

- personal care: the site/staff do not provide personal care,
- medication: residents take their own medication under staff supervision,
- training and rehabilitation: having left institutional care some residents may need life training and rehabilitation to lead an independent life and this is provided by staff on a 1:1 basis.

3.5 Figure 2. Existing (proposed) ground floor plan.



#### 4. RELEVANT PLANNING HISTORY

18/03307/HHPA - Single storey rear extension, extending beyond the rear wall of the house as existing by 7.95m (beyond the original rear wall by 7.95m), for which the maximum height would be 2.7m (maximum height of proposed and previous extensions 2.7m), and for which the height of the eaves would be 2.4m (maximum eaves height of proposed and previous extensions 2.4m) - (42 Day Notification for Householder Permitted Development Prior Approval) did not require prior approval.

18/04338/PLUD - Single storey rear extension for which prior approval was not required under ref. 18/03307/HHPA LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) was withdrawn and did not receive a formal decision.

18/05128/PLUD - Single storey rear extension for which prior approval was not required under ref. 18/03307/HHPA LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) was withdrawn and did not receive a formal decision.

19/00428/FULL6 - Single storey rear extension following demolition of conservatory and elevational alterations (RETROSPECTIVE) was approved on 19.03.2019.

21/00785/CHANGE - Alleged use of shed for accommodation and HMO in the house and the case was closed on 31.10.2022.

22/03390/FULL2 - Change of use from C3 dwellinghouse, to C3(b) dwellinghouse with supported care for up to three adults with on-site live-in staff, external access ramp to rear garden. (RETROSPECTIVE) is pending a decision.

#### 5. CONSULTATION SUMMARY

## **A) Statutory**

N/A

## **B) Local Groups**

N/A

## **C) Adjoining Occupiers**

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

- unclear status of planning application 22/03390/FULL2 which is pending a decision,
- the owner is an absentee landlord seeking to run a care home business from the dwellinghouse in breach of title deed/covenants on the property,
- the application is made in the company name and not in the Applicant's name, and the property is a business/trade asset and is not privately owned,
- business use is contrary to the Title Deeds,
- the dwelling has been significantly extended, it is not clear whether the extensions were authorised, construction was taking place at the site from March 2020 for approximately 18-20 months,
- the application details are incorrect; the description of existing Use/development should include the existing operational development as well as the Use,
- the use of the outbuilding has not been properly investigated and should be included in the LDC application,
- development is already taking place, application is submitted retrospectively with disregard for the proper planning system and benefitting from rent obtained in the meantime,
- overdevelopment of a cramped space/site; impractical and unsuitable for multiple occupants,
- C3(b) would potentially allow for up to 6 residents, doubling the current occupancy; exacerbating all the issues raised,
- 2 existing parking spaces would be removed, and it is not clear what the land would be used for,
- noise disturbance from the property including loud voices and music,
- antisocial and violent behaviour from occupants of the property, exacerbated by their possible mental health issues, harmful to neighbouring residents' amenity and safety and with numerous recorded Police visits,
- duty of care to neighbouring residents and to the occupants/patients of the property,
- possible occupation of the in the garage building,
- unsuitable access for the residents/occupants,
- poor access for emergency services is a significant risk to the health and safety of the occupants and staff attending the property,
- Applicant has poor overall knowledge and understanding of the layout, management and operation of the property,

- o poor supervision and welfare, with potential safeguarding issues, for occupants of the building,
- o insufficient household waste bins/collection leading to rodent/pest issues.
- o contrary to the Town and Country Planning Act 1990, the Health and Safety at Work Act 1974, and Article 8 of the Human Rights Act 1998,
- o the Council's decision may be challenged by local residents,
- o comments from planning application 22/03390/FULL2 should be transferred to the LDC application,
- o the antisocial behaviour/crime is affecting local house sales,
- o Applicant is required to provide more information to the Planning Committee on the nature of the household occupancy, staffing levels/arrangements, the care provided and the overall supervision and management of the property,
- o A site visit for Members is required,

Please note the above is a summary of objections received and full text is available on the Council's website.

## **6. POLICY CONTEXT AND GUIDANCE**

The Town and Country Planning (Use Classes) Order 1987 (as amended).

Town and Country Planning Act (1990)

National Planning Practice Guidance (NPPG)

## **7. ASSESSMENT**

### **7.1 Considerations**

- 7.1.1 The current application seeks formal confirmation that the use of the C3(a) dwellinghouse as a C3(b) dwellinghouse is lawful and would not have required planning permission at the time the application was made.
- 7.1.2 The key consideration is whether the use of the C3(a) dwellinghouse as a C3(b) dwellinghouse comprises a material change of use of the land and therefore whether or not it comprises development as defined in Section 55 of the Town and Country Planning Act 1990 (as amended).
- 7.1.3 In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability.

### **7.2 Information and Evidence**

#### **7.2.1 Applicant's information/evidence**

- 7.2.1.1 Application form and statements describing the use and operation of the building.

7.2.1.2 Previously existing and existing (proposed) floor plan drawings.

## 7.2.2 Council's information/evidence

### 7.2.2.1 Planning and Planning Enforcement records/history:

investigating an alleged use of the dwellinghouse as a HMO and a shed for residential accommodation (21/00785/CHANGE), and subsequently planning application submitted seeking to regularise the change of Use from a C3(a) dwellinghouse to a C3(b) dwellinghouse with supported care for up to three adults with on-site live-in staff, external access ramp to rear garden (22/03390/FULL2),

## 7.2.3 Other information/evidence

### 7.2.3.1 The Town and Country Planning (Use Classes) Order 1987 (as amended) which states:

C3 Dwellinghouses - This class is formed of three parts

- o C3(a) covers use by a single person or a family (a couple whether married or not, a person related to one another with members of the family of one of the couple to be treated as members of the family of the other), an employer and certain domestic employees (such as an au pair, nanny, nurse, governess, servant, chauffeur, gardener, secretary and personal assistant), a carer and the person receiving the care and a foster parent and foster child,
- o C3(b) covers up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems,
- o C3(c) allows for groups of people (up to six) living together as a single household. This allows for those groupings that do not fall within the C4 HMO definition, but which fell within the previous C3 use class, to be provided for i.e. a small religious community may fall into this section as could a homeowner who is living with a lodger.

## 7.3 Procedural matters

7.3.1 Notwithstanding third party comments an applicant is entitled to submit an application. The planning regulations allow for an application to be submitted retrospectively, such as in this case to confirm that an existing use or development is lawful, that it has deemed consent and does not require express planning consent. As such a retrospectively made application is assessed on its own merits and in relation to the relevant legislation and without prejudice to the fact that it has been submitted retrospectively.

7.3.2 The Council is mindful of the Government guidance that if it has no evidence itself, nor from any others, to contradict or otherwise make the Applicant's version of events less than probable, there would be no good reason to refuse the application.

7.3.3 Notwithstanding comments received, this is an application for a Lawful Development Certificate, in this case as the Applicant considers that it complies with the Use Classes Order, and as such the material planning considerations that might be relevant in assessing a planning application may not apply. As such the

assessment is whether or not the stated Use, as described in the application, was lawful according to the terms of the Use Classes Order, on the date that the LDC application was made. The assessment is not whether the proposal would be suitable in this property or in this location, in planning terms, as may be relevant considerations in assessing a planning application. Planning history may comprise a material planning consideration however notwithstanding this, each case is procedurally individual/separate and is assessed on its own merits and comments received on one application cannot be transferred to another and they should be re-stated.

- 7.3.4 Notwithstanding comments received matters relating to any restrictions on title deeds/covenants are not a planning matter and they are a private/legal/civil matter to be addressed by the individual parties involved.
- 7.3.5 Notwithstanding comments received the Council's Waste Services Department notes the nature of the proposal and in the event that the property remains as a C3 dwellinghouse then the Council's refuse storage and collection arrangements would not differ or change. Nonetheless, the Waste Services Department notes that if there were to be an accumulation of household waste; leading to waste escaping from control or it is being allowed to become litter and is causing a detriment to the environment, the Council may examine this through engagement with the occupiers and/or any other necessary mitigation through the Environmental Protection Act 1990.
- 7.3.6 Notwithstanding comments received, the Council has examined the use of the outbuilding. It is in use as a day-room for activities such as hobbies or television. It is not in use as a bedroom to accommodate a resident, nor as a separate independent unit of living accommodation. As such there is concluded to be no breach of planning control, and as it remains associated with the use of the dwelling it does not need to be included in the LDC application.

#### **7.4 The Meaning of Development**

- 7.4.1 According to section 55(1) of the Town and Country Planning Act 1990 "development, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".

#### **7.5 Analysis**

- 7.5.1 The provisions of the Use Classes Order are noted. With specific reference to Class C3 the relevant subcategories are:
  - Class C3(a) a dwellinghouse for use by a single person or a family, and
  - Class C3(b) a dwellinghouse for use by up to six people living together as a single household and receiving care e.g. supported housing schemes such as those for people with learning disabilities or mental health problems.
- 7.5.2 It is noted that the Use Classes Order allows for a change to take place within a Class e.g. from one sub-category to another sub-category within that same Class.

- 7.5.3 As mentioned in this report, the Council's Planning Enforcement Enquiry Team recorded and examined an alleged change of Use within the building and an outbuilding in September 2021 (21/00785/CHANGE). A planning application: seeking to regularise a retrospective change of Use from a C3(a) dwellinghouse for a single family to a C3(b) dwellinghouse for up to six people living together as a single household and receiving care, was received by the Council on 26.08.2022 (22/03390/FULL2). As such this indicates that the former C3(a) dwellinghouse use had already ceased by that point and that a different use, in this case the proposed/claimed C3(b) supported care use, had begun.
- 7.5.4 The Applicant has since chosen to submit an Existing Lawful Development Certificate (LDC) application (22/04947/ELUD) in the place of the planning application (22/03390/FULL2) and based on the previous history, observations, and claims, it is considered that on the balance of probabilities, the claimed C3(b) use had begun before the LDC application had been made and submitted to the Council.
- 7.5.5 According to the application details the dwellinghouse, formerly used as a C3(a) dwellinghouse for a single family is now in use as a C3(b) dwellinghouse for up to three adults with on-site live-in staff attending the site on a full-time rota system in partnership with the Community Multi-Disciplinary Team providing supported care including supervision of resident medication training and rehabilitation for transition into fully independent living and liaison with the Community Mental Health Team as necessary, and was in use on the date that the current LDC application 22/04947/ELUD was made.
- 7.5.6 On this basis the use of the property as described in the application comprises a change from one sub-category within Class C3 to another sub-category within Class C3, as permitted by the Use Classes Order, and it does not comprise a material change of use of the land/building,

## **7.6 Summary**

- 7.6.1 The use of the building formerly used as a C3(a) dwellinghouse and now as a C3(b) dwellinghouse would not comprise a material change of use of the land/building.

## **8. CONCLUSION**

- 8.1 Based on the submitted information and other information available the proposal would not comprise development of the land or a material change of use of the land, it would therefore be lawful under section 191 of the Town and Country Planning Act 1990, and it is recommended that a Lawful Development Certificate is granted.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the file, excluding exempt information.

## **9. RECOMMENDATION:**

**CERTIFICATE BE GRANTED**

**Reason:** The use of a C3(a) dwellinghouse as a C3(b) dwellinghouse would not comprise development of the land or a material change of use of the land/building according to Section 55 of the Town and Country Planning Act 1990. On the balance of probabilities, the use of the property for this purpose had begun prior to the submission of this application.



22/04947/ELUD

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Ordnance Survey 100017661.

11 December 2023

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<b>Committee Date</b>	21.12.2023	
<b>Address</b>	66 Pope Road Bromley BR2 9QB	
<b>Application Number</b>	23/02655/FULL6	<b>Officer</b> - Jennie Harrison
<b>Ward</b>	Bromley Common and Holwood	
<b>Proposal</b>	First floor rear extension	
<b>Applicant</b>	<b>Agent</b>	
Mr Matt Gumbley 66 Pope Road Bromley BR2 9QB	Mr Keith Chandler Keith Chandler Ltd 37 Glenthorne Ave Croydon CR0 7ET United Kingdom	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b> Yes - Cllr Gupta Reason: Due to objection from No. 64 Pope Road. Impact on neighbours' party walls and foundations. Impact on residential amenities.
<b>RECOMMENDATION</b>	Permitted	

#### KEY DESIGNATIONS

Area of Deficiency in Access to Nature  
Article 4 Direction  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Renewal Area  
Smoke Control SCA 19

<b>Land use Details</b>		
	Use Class or Use description	Floor space (sq.m)
Existing	Dwelling (Class C3)	Approximately 102.5sqm
Proposed	Dwelling (Class C3)	Approximately 105.3sq.m
Total	Dwelling (Class C3)	Approximately 2.8sq.m

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

<b>Electric car charging points</b>	0
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<b>Representation summary</b>	Letters to neighbours were sent out on the 10.07.2022
Total number of responses	0
Number in support	0
Number of objections	2 (from No.64 Pope Road including a letter from their solicitor)

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 Planning application for the erection of a one metre deep first floor pitched roof rear extension. The proposal would provide a new bathroom with an additional floor space measure approximately 3.2sq.m.
- 1.2 Due to its siting, limited size, scale, projection, design and relationship with its surrounding properties, it is considered that the proposal would not have an adverse impact on the residential amenities enjoyed by the neighbouring properties. The proposal is acceptable in term of design and scale.

## 2. LOCATION

2.1 The application property is a two storey mid terrace dwelling located on the southern side of Pope Road, Bromley. The site is mainly surrounded by domestic houses.

2.2 The site is located within Flood Zone 1. The risk of surface water flooding is very low as defined by the Environment Agency. The application property is not located within a conservation area and there are no listed buildings in the vicinity. The site is located within Bromley Common Renewal Area.



Figure 2. Aerial Photo

## 3. PROPOSAL

3.1 Planning permission is sought for a pitched roof first floor rear extension measures approximately 1 metre in depth and 3.2 metres in width. The roof profile and height of the proposal would be identical to the existing house measures approximately 4.9

metres high to the eave line and 6.6 metres to the top of pitched roof. The external finishes of the proposal would be matching the existing house.

3.2 The proposal would provide a new bathroom measuring approximately 3.2 metres additional floor space. The proposed first floor side window facing No. 68 Pope Road would be obscured glazed. No new or side window would be facing No. 64 Pope Road.

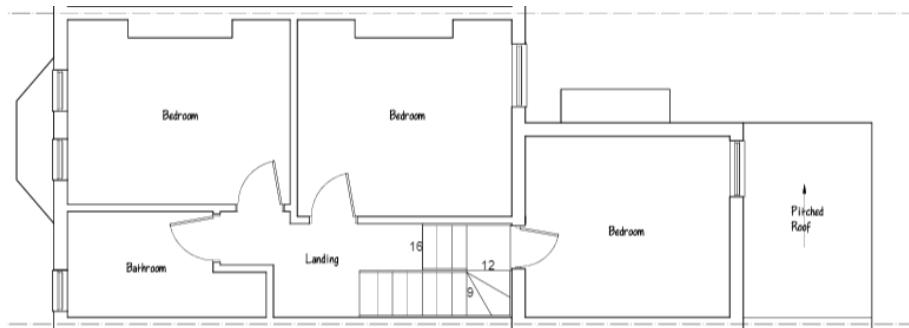


Figure 3. Existing first floor plan

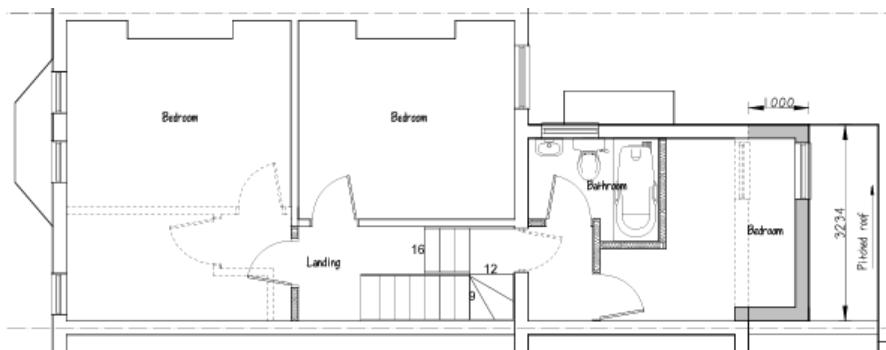


Figure 4. Proposed first floor plan

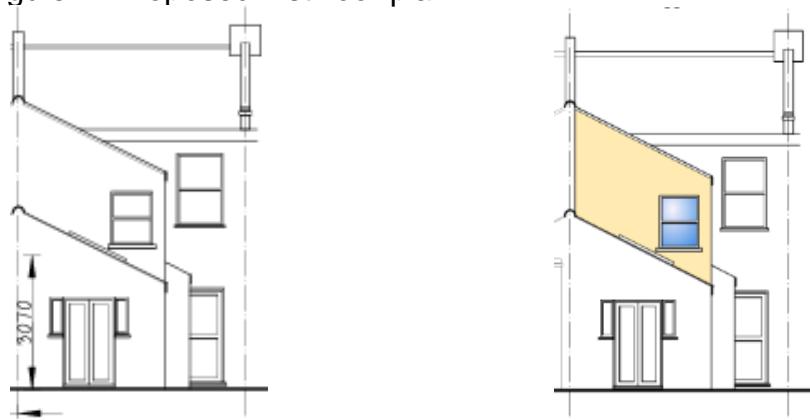


Figure 5 Existing elevation plan (left) and proposed elevation plan (right)

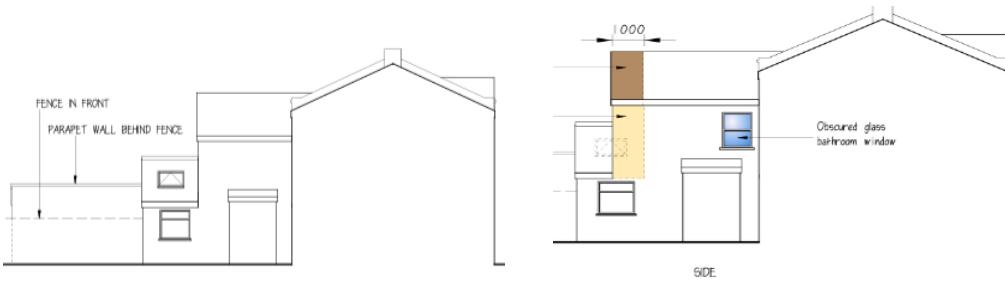


Figure 6 Existing side plan (left) and proposed side elevation plan (right)

#### 4 RELEVANT PLANNING HISTORY

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

- 4.1 Ref: 22/03570/PLUD – Approved on the 29<sup>th</sup> November 2022  
Certification of lawful development for a loft conversion with rear L shape dormers including two Juliet balconies and two front roof lights.
- 4.2 Ref: 22/04364/FULL6 – refused on the 21<sup>st</sup> December 2022  
Full planning permission for a single storey side and rear extension.
- 4.3 Ref: 23/01059/FULL6 – granted on the 12<sup>th</sup> May 2023  
Single storey side and rear extension.
- 4.4 Other approved two storey extensions on Pope Road /same road.**
  - 73 Pope Road – granted 03.07.2018.
  - 4.5 Full planning permission granted for a part one/two storey rear extension and alterations to windows to side.
    - 21 Pope Road – granted on the 7<sup>th</sup> May 2015
  - 4.6 Full planning permission for a first floor rear extension
    - 2 Pope Road
  - 4.7 Ref 05/02786/FULL6 -- granted on the 22<sup>nd</sup> September 2005  
Full planning permission for a two storey side and rear extension and increase in ridge height/rear dormer extension
    - 2A Pope Road
  - 4.8 Ref: 04/03425/FULL6 – granted on the 21.10.2004  
Full planning permission for a first-floor rear extension
    - 46 Pope Road
  - 4.9 Ref: 03/03485/FULL6 – granted on the 13.11.2003  
Full planning permission for a first floor rear extension
    - 2b Pope Road
  - 4.10 Ref: 01/00373/FULL1 – granted on the 02.04.2001

Full planning permission for a two storey front and side extension

- 40 Pope Road – granted on the 27.04.1998

4.10 Full planning permission for a two storey rear extension

## 5 CONSULTATION SUMMARY

### A) Statutory

N/A

### B) Local Groups

None were received.

### C) Adjoining Occupiers

5.1 Objection letter from No. 64 Pope Road including a letter from their solicitor have been received.

5.2 There are no other objections, supports or comments received from the neighbouring properties or members of the public.

5.3 Impact on character and appearance (Addressed in Section 7.1)

- Policy 37 is designed to safeguard existing residential occupants from inappropriate development and no justification for the departure from planning policy.
- The scale of the proposal and earlier approval would constitute a cramp, overdevelopment and set a bad precedent.

5.4 Impact on neighbouring amenity (Addressed in Section 7.2)

- It is not necessary to provide another family bathroom. The need for this extension is unclear.
- Previous ground floor extension was only approved due to height of 2m along the boundary with 68, so the same should be applied to No. 64
- Loss of light, outlook, dominant, sense of enclosure. Privacy, noise and disturbance from rear window.
- Overshadowing ground floor velux window at number 64 Pope Road of which the neighbouring roof is a main ground floor living/working space.
- There may also be loss of light for the other side of the property at No. 68 Pope Road.
- The proposal would create further impacts which is in addition to the loft conversion.
- Not comply with Policy 8 side space requirement resulting in tunnelling effect
- Daylight and sunlight assessment is inadequate and inaccurate.

5.5 Other matters (Addressed in Section 7.2)

- Concern regarding the extra weight on the party wall
- Inaccuracy of plans

## **6.0 POLICIES AND GUIDANCE**

### **6.1 National Planning Policy Framework (NPPF) 2023**

#### **6.2 NPPG**

#### **6.3 The London Plan (LP) 2021**

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

#### **6.4 Bromley Local Plan (BLP) 2019**

- Policy 6 Residential Extensions
- Policy 8 Side space
- Policy 37 General Design of Development

#### **6.5 Bromley Supplementary Guidance**

- Urban Design Supplementary Planning Document (July 2023)

## **7.0 ASSESSMENT**

### **7.1 Design - Acceptable**

- 7.1.1 Bromley Local Plan (BLP) Policy 6 requires the design and layout of proposed residential alteration or enlargement to satisfy all of the following criteria.
- a. The scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with the development in the surrounding area;
  - b. Spaces or gaps between buildings should be respected or maintained where these contribute to the character of the area;
  - c. Dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area

- 7.1.2 BLP Policy 37 states all development proposal including extensions will be expected to be of a high standard of design and layout. Development will be expected to meet all of the following criteria where they are relevant:

- a. Be imaginative and attractive to look at, of a good architectural quality and should complement the scale, portion, form, layout and material of adjacent buildings and areas;
- b. Positively contribute to the existing street scene and/or landscape and respect important view, heritages, assets, skylines, landmarks or landscape features;

- c. Spaces about buildings should provide opportunities to create attractive settings with hard or soft landscaping;
- d. The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings;
- e. Respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environment and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing;
- f. The development should address sustainable design and construction and include where appropriate on-site energy generation;
- g. Suitable access should be provided for people with impaired mobility and meeting the principles of inclusive design. Where necessary and relevant to the development, contributes may be sought to improve accessibility around the development;
- h. Security and crime prevention measures should be included in the design and layout of buildings and public areas;
- i. Recycling and waste storage facilities are incorporated with the design layout
- j. Respect non-designated heritage assets. Application should be accompanied with a written statement setting out design principles and illustrate materials showing the relationship with the development to the wider context.

7.1.3 The approach above is supported by the NPPF and London Plan.

- 7.1.4 The application property is a two storey mid-terrace dwelling. The proposed first floor pitched roof rear extension would project 1 metre deep, providing a new family bathroom. The height of the proposed extension would be identical to the existing house as the proposed eaves line and ridge height of the proposed rear extension would be identical to the existing house.
- 7.1.5 The external finishes of the proposal would match the original house. The proposed first floor side bathroom window facing No.68 Pope Road would be obscured glazed. Should planning permission is forthcoming, these would be secured by planning conditions.
- 7.1.6 The existing first floor rear bedroom window is facing its rear garden. This relationship would be maintained and there is no first-floor bedroom window would be facing the neighbouring property at No. 64 Pope Road
- 7.1.7 Due to its limited scale, design, siting, appearance and relationship with the neighbouring properties, it is considered that the proposal is acceptable in terms of scale, design and appearance and would comply with BLP Policies 6 and 37.
- 7.1.8 Objection from No. 64 Pope Road is received due to the cumulative impact of the extensions and would represent over-development.

7.1.9 It is noted that there are earlier consents approved for extension on the ground floor and loft level. It should be noted that the merits of other approved extensions have been assessed. It should also be noted that the loft conversion was approved under a Certificate of Lawful Development. This Certificate is a legal document which confirmed this approved development complied with the relevant planning legislation and planning permission was not required. As such, no planning merits can be assessed. Having reviewed the planning application history including the extent of the approved works, it is considered that the scale of this proposal would be acceptable and would comply with BLP Policies 6 and 37.

7.1.10 Objection from No.64 Pope Road also suggested that the proposal would be contrary to BLP Policy 8 (side space policy) and a 1 metre side space should be retained.

7.1.11 The application property is a mid-terrace property which is adjoining to both side of the neighbouring properties. It is not uncommon for householders to seek improvement of their own home and introduce extensions to their property. The planning application history section of this report sets out other approved two storey extensions on Pope Road.

7.1.12 Due to the application property being a mid-terrace house with limited projection and scale, it is considered that the proposal would not be unacceptable in this instance and is consistent with the character in the wider area.

7.1.13 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.

## **7.2 Neighbourhood Amenity – Acceptable**

7.2.2 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.

7.2.3 Objection is received from No. 64 Pope Road regarding loss outlook, privacy, lights, impact on party wall, foundation and noise. Whilst the proposed first floor rear extension would be adjoining to the neighbouring property and visible from the neighbours ground floor rooflight, it should be noted that the proposed first floor rear extension is limited to 1 metre. The rear elevation of the proposal and the adjoining properties are all due south. There are no side windows would be facing the neighbouring properties. As such, it is considered that the proposal would not have an adverse impact on neighbours' amenities in terms of loss of privacy, loss of outlook or result in a significant overshadowing and loss of lights and would comply with BLP Policy 37.

- 7.2.4 Having reviewed the planning application history of the application site, it is considered that the proposed first floor rear extension would be acceptable and would not have an adverse impact on the residential amenities enjoyed by No. 64 Pope Road.
- 7.2.5 Objection is received from No. 64 Pope Road raising concerns to the impact on No.68 Pope Road. There is no objection received from No. 68 Pope Road.
- 7.2.6 The flank wall of the proposed first floor rear extension would be sited approximately 1.8 metres from the neighbouring property at No. 68 Pope Road. Whilst the proposal would be visible from the neighbour's side and rear windows, it should be noted that the proposed bathroom window would be obscured glazed. Due to its limited projection, scale and distance to the neighbouring property, it is considered that the proposal would not have an adverse impact in terms of loss of outlook, privacy or give rise to any unacceptable tunnelling effect.
- 7.2.7 The rear elevation of the application property is due south. Whilst the proposal would have an impact to natural light, it should be noted that the proposed first floor extension would set away from the neighbour's side property. Due to its limited projection, its orientation and relationship with its surrounding properties, it is considered that the proposal would not have an adverse impact on the residential amenities enjoyed by the neighbouring property and would comply with BLP Polices 37.
- 7.2.8 Given that there is no change to the use of the property, it is considered that the proposal would not have an adverse impact in terms of noise and disturbance.
- 7.2.9 Party wall agreement and impact on foundation are Building Control matters. This is outside the scope and remit of a planning application. An informative reminding the requirements of Building Control would be attached, should planning permission is forthcoming.
- 7.2.10 Objection is also raised regarding to the submitted details. The submitted floor plan and elevation plans including the application history of this site have been reviewed. It is noted that any new development would have an impact to its surrounding. However, the proposed first floor rear extension is limited to its scale and projection. Overall, it is considered that the proposed first floor rear extension would not have an adverse impact on the residential amenities enjoyed by the neighbouring properties.

## **8.0 CONCLUSION**

- 8.1** Having had regard to the above it is considered that the development in the manner proposed is acceptable in terms of its scale, design and 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:** That planning permission be granted, subject to the following suggested conditions and informative, any other planning condition(s) considered necessary by the Assistant Director of Planning.

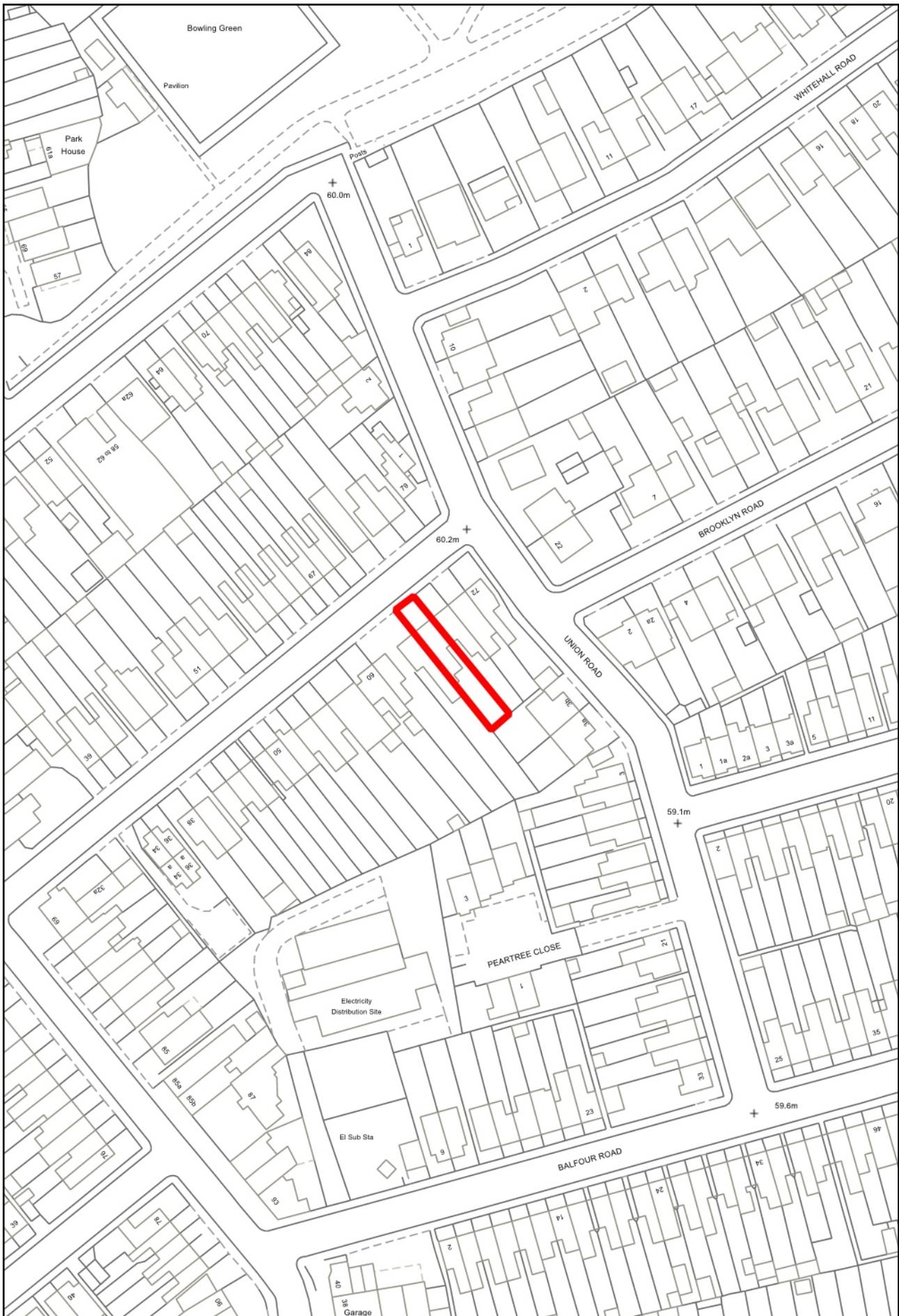
**Condition(s)**

1. Standard time limit
2. Standard compliance with plans
3. Matching materials
4. Obscure glazed bathroom window

**Informative**

1. Party Wall Agreement

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Ordnance Survey 100017661.



23/02655/FULL6



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<b>Committee Date</b>	21.12.2023	
<b>Address</b>	51 Furzehill Square, Orpington, BR5 3SN	
<b>Application Number</b>	23/02677/FULL6	<b>Officer</b> - Jennie Harrison
<b>Ward</b>	St Mary Cray	
<b>Proposal</b>	Proposed single storey rear extension	
<b>Applicant</b>	<b>Agent</b>	
Mr Peter Gatfield 51 Furzehill Square Orpington BR5 3SN	N/A	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes - Cllr Slater  Reason: Scale of extension is acceptable at this location.

<b>RECOMMENDATION</b>	Refused
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#### KEY DESIGNATIONS

Areas of Archaeological Significance  
Article 4 Direction  
Biggin Hill Safeguarding Area  
Historic Landfill Sites  
London City Airport Safeguarding  
Smoke Control SCA 23

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Dwelling	60.46
Proposed	Dwelling	72.26

<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
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<b>Representation summary</b>	Letters to neighbours were sent out on the 14.07.2022
Total number of responses	4
Number in support	4
Number of objections	0

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 This is a planning application for the erection of a 4.3 metres deep single storey flat roof rear extension.
- 1.2 The rear wall of the proposed rear extension would project approximately 6.8 metres from the original rear wall of the neighbour's property at No.53 Furzehill Square.
- 1.3 Due to its siting, excessive rearward projection, relationship between the application and neighbouring properties, the proposal would have an adverse impact on the residential amenities enjoyed by the neighbouring properties in terms of loss of outlook and would be an unneighbourly development resulting in an increased sense of enclosure.

## **2. LOCATION**

- 2.1. The site comprises of a two storey mid terrace dwelling which is situated on the western side of Furzehill Square. The site is mainly surrounded by domestic properties to the east, south and west. St. Mary Cray Railway station is located approximately 40 metres north from the site.
- 2.2. The site is located within an Area of Archaeological Significance Area (Upper Cray Valley). There are no other identified heritage assets at the site or in the surrounding area.
- 2.3. The site is located within Flood Zone 1 and is not subjected to surface water flooding.

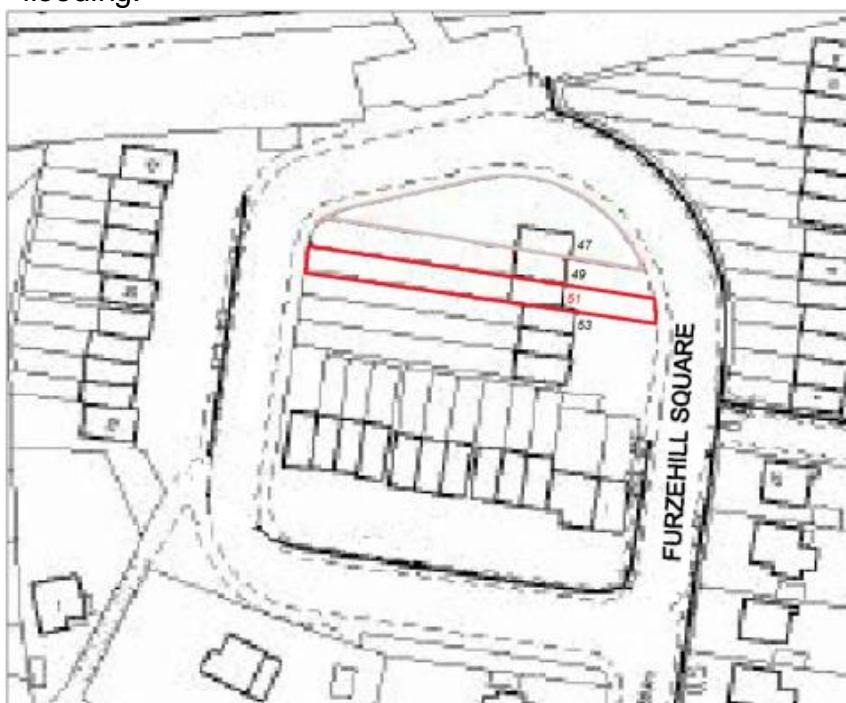


Figure 1: Site Locaiton Plan

## **3. PROPOSAL**

- 3.1. Planning permission is sought for the erection of a single storey rear extension. The proposed extension would provide a new dining room and would measure approximately 4.3m in depth, 3.7m in width and 3m in height.

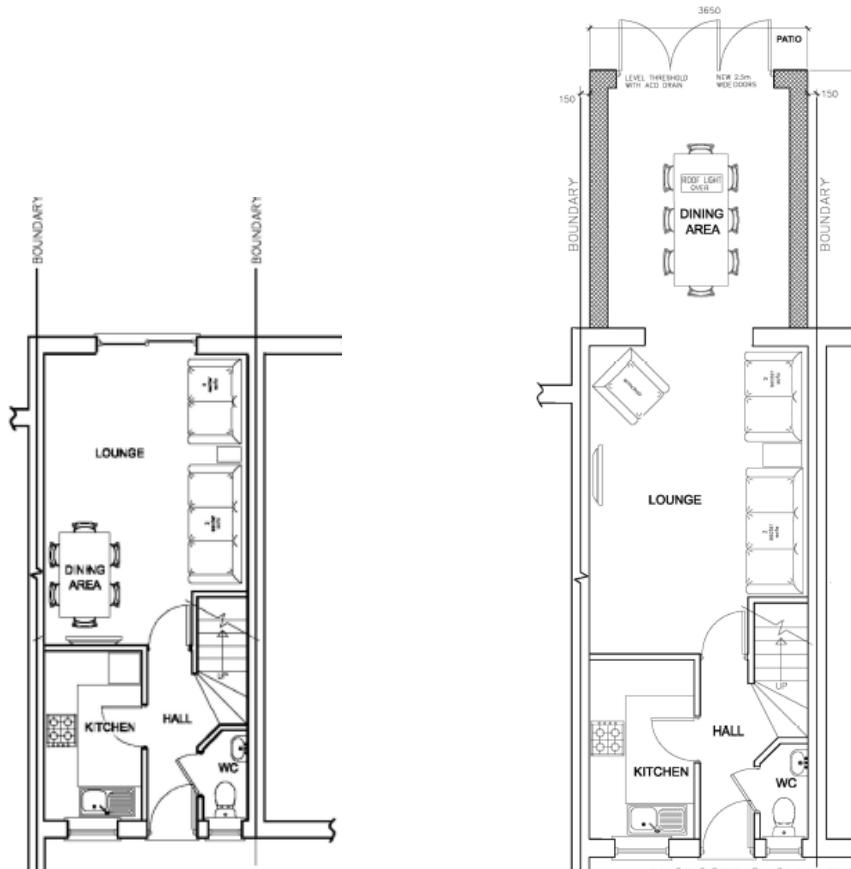


Figure 2. Existing floor plan (left) and proposed floor plan (right)

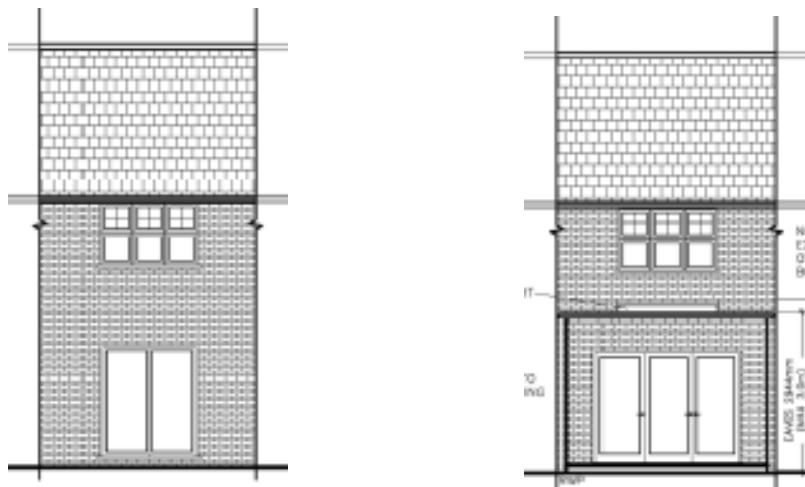


Figure 3. Existing rear elevation (Left) and proposed rear elevation (Right)

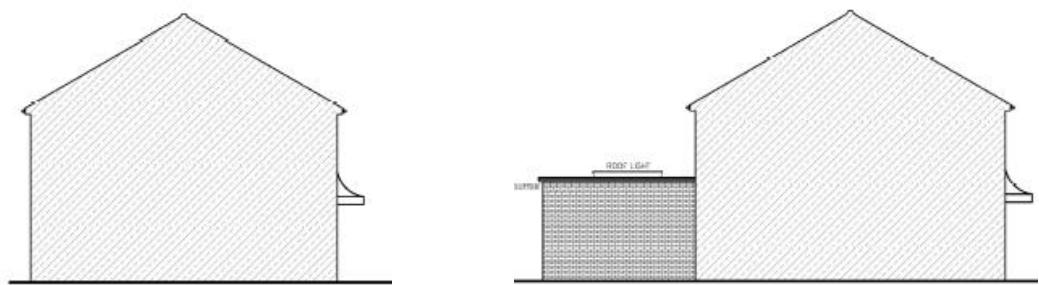


Figure 4. Existing side elevation (left) and Proposed side elevation (right).

## **4. RELEVANT PLANNING HISTORY**

4.1. Ref: 94/02643/FULMAJ – granted on 24<sup>th</sup> February 1995

Full planning permission for the demolition of existing office buildings and erection of 37 two bedroom terrace houses and 6 three bedroom terrace houses.

4.2 Ref: 23/00129/PLUD – refused on 22.03.23 and the subsequent appeal was dismissed on the 18.08.2023

Certificate of Lawful Development (Proposed) for a single storey rear extension.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

N/A

### **B) Local Groups**

None were received.

### **C) Adjoining Occupiers**

**Four (4) letter of support have been received. The grounds of support are summarized as follow:**

- No objection to the proposed extension
- The extension would be a great addition to the house and a good use of the long garden

## **6. POLICIES AND GUIDANCE**

### **National Policy Framework 2023**

### **NPPG**

### **The London Plan 2021**

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

- Design
- Residential amenity
- Heritage Impact

## 7.2 **Design - Acceptable**

7.2.1 Bromley Local Plan Policy 6 requires the design and layout of proposed residential extensions to comply with the following requirements:

- a) The scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area;
- b) Space or gaps between buildings should be respected or maintained where these contribute to the character of the area;
- c) Dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

7.1.2 Bromley Local Plan Policy 37 (General Design of Development) requires proposal to be of a high standard of design and layout. Developments will be expected to meet all criteria (a) to (j) , of which criteria (a) to (f) are relevant in this .

- a. Be imaginative and attractive to look at, of a good architecture quality and should complement the scale, portion, form layout and materials of adjacent buildings and areas.
- b. Positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks and landscape features.
- c. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping (including enhancing biodiversity)
- d. The relationship with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.
- e. Respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- f. The development should address sustainable design and construction and include where appropriate on-site energy generation;

7.1.3 The above approach is consistent with the London Plan and NPPF.

7.1.4 The application property is a modern house constructed in the 1990's. The houses in the area are benefited with a front and rear garden. However, the plot size of the houses is relatively narrow when compared with the typical traditional suburban houses or Victorian houses in the area or borough. This is reflected on the existing rear elevation plan as there is only one rear habitable room window on each floor.

The plot size of the application site and the houses in the area are approximately 4 metres in width.

- 7.1.5 The proposed single storey flat rear extension would be 4.3 metres deep and would occupy the full width of the house. The external finishes of the proposal would match the host property and would not be contrary to the policies above.
- 7.1.6 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.

## 7.2 Neighbourhood Amenity - Unacceptable

- 7.2.2 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.
- 7.2.3 BLP Policy 37 criteria (e) requires new development to respect the amenity of neighbouring properties. The original rear wall of the application property is sited approximately 2.5 m metres further than the original rear wall of the neighbouring property at number 53 Furzehill Square. The projection of the proposed rear extension would measure 6.8 metres from the original rear wall of the neighbouring property. Due to the proximity to the neighbouring property, excessive rearward projection when measured from the original rear wall of the neighbouring property and relationship with the neighbouring property, it is considered that the scale of the proposed rear extension would have an adverse impact on the residential amenities enjoyed by the neighbouring property in term of loss of outlook and unneighbourly increase sense of enclosure.
- 7.2.4 It is noted that the neighbouring occupiers have raised no objection to this proposal. It should be noted that the planning considerations and assessment is based on the adopted Development Plan, scale of the proposal and relationship between the proposal and the neighbouring properties.
- 7.2.5 Given the proximity of the extension to its side boundary and rear window of the neighbouring property, it is considered that the proposed extension would appear to be excessive, dominant, overbearing and have a detrimental impact on outlook and amenity.
- 7.2.6 The dwelling at number 49 Furzehill Square benefits from a conservatory at the rear and as such it is considered that there would be no significantly detrimental impact on this adjoining occupier as a result of the rear extension.
- 7.2.7 Having regard to the scale and siting of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

## 7.4 Heritage

- 7.4.1 BLP Policy 46 states “*at sites of potential archaeological importance, where permanent preservation in situ is not justified, provision shall be made for an appropriate level of investigation and recording to be undertaken by a recognised archaeological organisation before any development commence*”. This is supported by Section 16 of the NPPF and London Plan Policy HC1.D which requires development proposals to identify assets of archaeological significance and use this information to avoid harm or minimise it through design and appropriate mitigation.
- 7.4.2 The application site is located within an area of archaeological significance area - Upper Cray Valley in the Council’s Proposal Map. This is defined as a Tier 2 Archaeological Priority Area by Historic England. In assessing the proposal against Historic England’s Archaeological Risk Model the proposal is expected to result in a negligible risk to heritage assets of archaeological interest and accordingly no archaeological investigation is warranted on this occasion.

## **8 CONCLUSION**

- 8.1 Having had regard to the siting, excessive rearward projection, proximity of the proposed to the neighbour’s primary habitable room window and its relationship with the neighbouring property, it is considered that the proposal would be an unneighbourly development resulting in loss of outlook.
- 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.

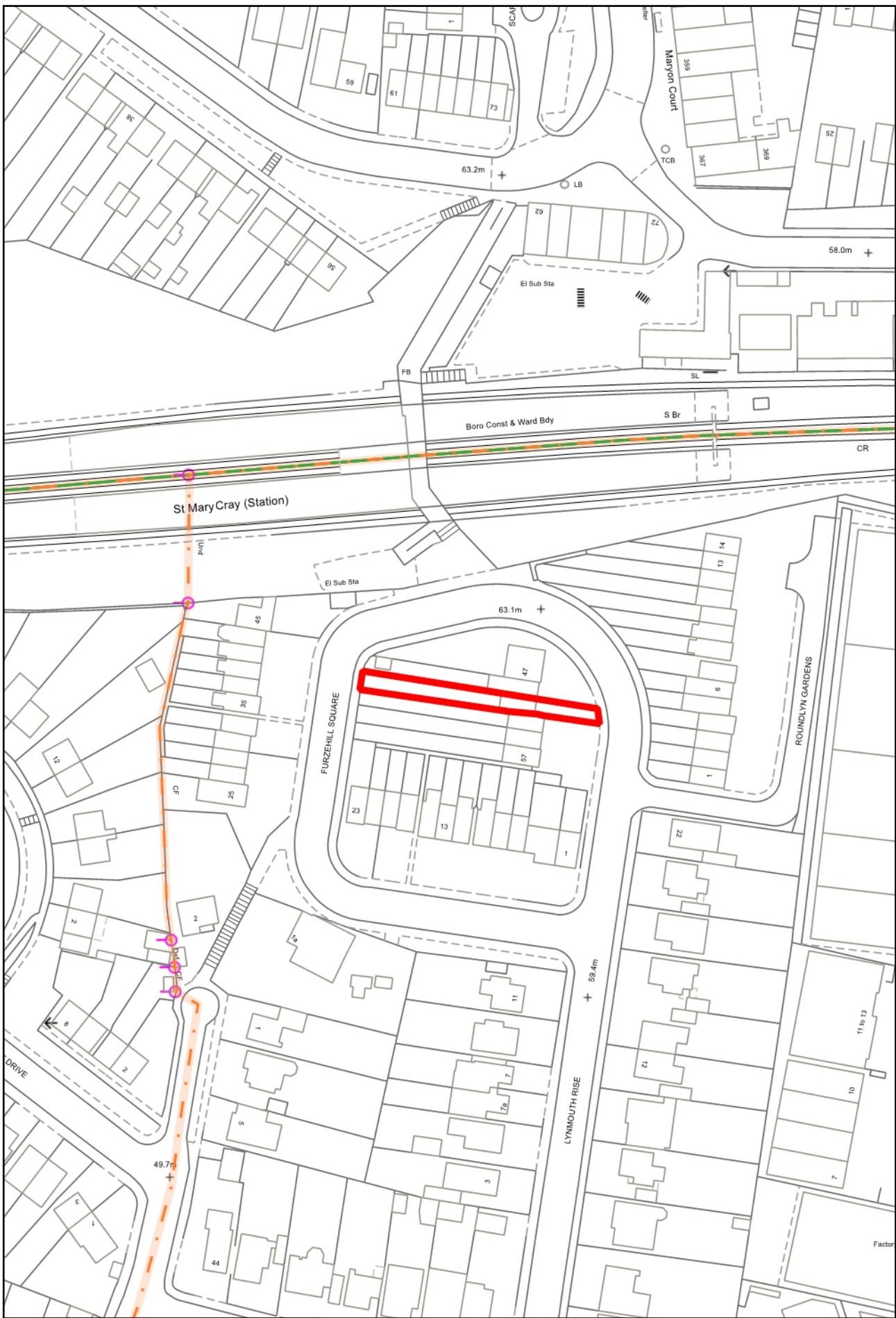
**RECOMMENDATION:** **Planning permission be refused**

**For the following reason:**

**1. Residential amenities**

The proposed single storey rear extension, by reason of its siting, scale, close proximity to the neighbouring property, excessive rearward projection when measured from the rear habitable room window of the neighbouring property at No. 53 Furzehill Square would appear to be an unneighbourly development and have an adverse impact on the amenities of both existing and future occupiers at number 53 Furzehill Square, contrary to Policies 6 and 37 of the Bromley Local Plan.

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<b>Committee Date</b>	21.12.2023	
<b>Address</b>	Summerfield 3 Frelands Road Bromley BR1 3AG	
<b>Application Number</b>	23/02774/NDFLAT	<b>Officer</b> - Russell Penn
<b>Ward</b>	Bickley And Sundridge	
<b>Proposal</b>	Erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store. (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms and nationally described space standards, impact on residential amenities and protected views).	
<b>Applicant</b>	<b>Agent</b>  Mr M Crane  Mr Peter Higginbottom	
C/O Agent London Greater London WC1X 8SL United Kingdom	12-18 Theobalds Road London Greater London WC1X 8SL United Kingdom	
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Cllr Kate Lymer. Reason – Overdevelopment.

<b>RECOMMENDATION</b>	Prior Approval be Granted
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#### KEY DESIGNATIONS

Area of Deficiency in Access to Nature  
Article 4 Direction  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Open Space Deficiency  
Smoke Control SCA 10

<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Residential (use Class C3)	0 (not including lower floors)
Proposed	Residential (use Class C3)	173

<b>Residential Use – See Affordable housing section for full breakdown including habitable rooms</b>					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	2	1	0	0	3
Affordable (shared ownership)	0	0	0	0	0
Affordable (social rent)	0	0	0	0	0
Total	0	0	0	0	3

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	16	16	0
Disabled car spaces	0	0	0
Cycle	0	4	4

<b>Electric car charging points</b>	0
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<b>Representation summary</b>	Neighbour letters were sent on 20/07/2023. Site notice for Part 20 GPDO Prior Approval was displayed 20/07/2023.
Total number of responses	26
Number in support	0
Number of objections	26

## 1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).
- Officers raise no objections to the proposal on the grounds of consideration as detailed in this report and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

## 2 LOCATION

- 2.1 The application site relates to land located on the west side of Frelands Road comprising a four storey development with 16 existing flats in total. The site is relatively level and two single storey blocks of garages are located to the rear of the site with vehicle access along the southern boundary.
- 2.2 Surrounding the site are residential blocks to the south at Vogue Court, Winston Court and Bloomsbury Mansions with principal elevations facing Widmore Road comprising three and four storey apartment blocks with flat roof arrangements. Immediately to the south of the site are a pair of two storey semi-detached properties and another garage block. Opposite the site to the east are a mix of two storey period terraced properties and semi-detached villas, the latter converted to apartments. To the rear of the site are residential period blocks surrounding The Old Courtyard. These buildings are Locally Listed.
- 2.3 The site is not within a conservation area. The current buildings on site are not listed. The site is located in Flood Zone 1. A Tree Preservation Order (TPO) is located to the in close proximity of the site boundary with No3 Esther Mews to the rear of the site.

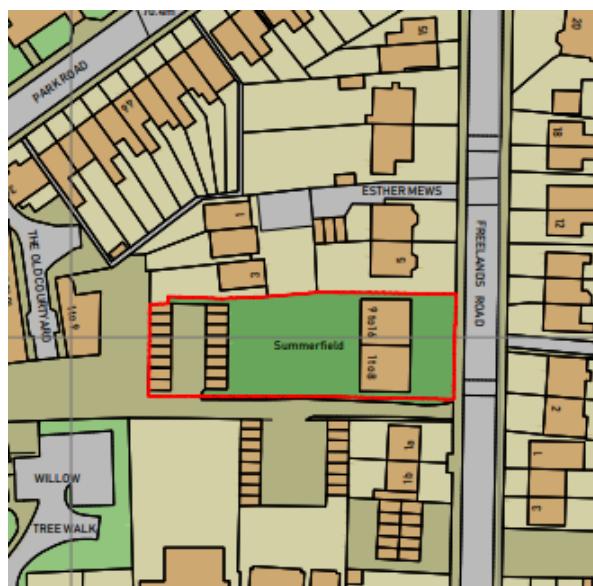


Figure 1: Site Location Plan

### 3 PROPOSAL

- 3.1 The proposal seeks prior approval under the permitted development provisions of Class A, Part 20 of Schedule 2 to the General Permitted Development Order (as amended) for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store.
- 3.2 The additional storey to each part of the building are shown to be set back from the perimeter walls of the building by 1m as stated on the plans. The proposed new roof height will increase the overall height of the building form 10.95m to 13.335m, to facilitate a 2.385m increase.
- 3.3 The layout plan indicates three flats comprising 2no. 1-bedroom/1-person units and 1no. 2-bedroom/3-person unit at fourth-floor level. Each of the units will have floor-to-ceiling outlook. A total of 4no. light tunnels are to replace the existing rooflights at roof level to provide daylight to the hallways of each of the existing top floor units.
- 3.4 Materials comprise a dark-coloured zinc cladding to the external elevations.
- 3.5 The application was supported by the following documents:
  - Planning Statement
  - Design and Access Statement
  - Daylight, Sunlight and Overshadowing Assessment

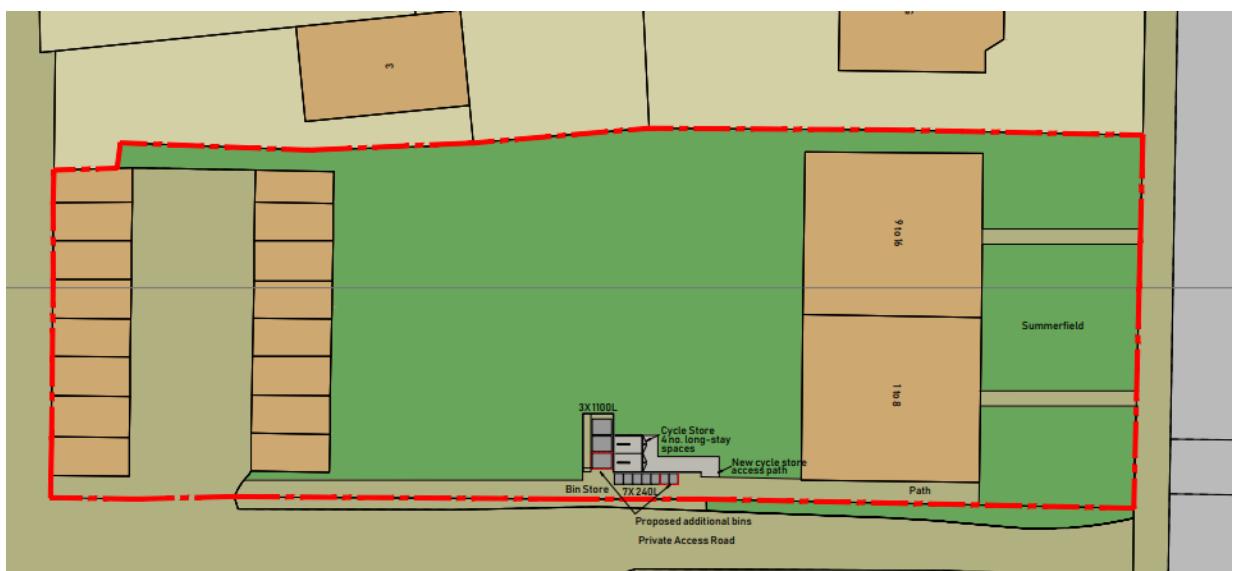


Figure 2: Proposed Block Plan



**Figure 3: Existing Front Elevation**



**Figure 4: Proposed Front Elevation**



**Figure 5: Artist Impression (aerial view)**

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

- 4.1 Ref: 21600 - Two blocks of 16 lock up garages. Approved 01.06.1971
- 4.2 Ref: 22166 - Block of 16 flats. Approved 02.07.1971
- 4.3 There is no more recent planning application history relating to the application site available on electronic record.

#### **5 CONSULTATION SUMMARY**

##### **A) Statutory**

###### Environmental Health Officer – No objection

- No objections to the proposals in principle.
- Further information is recommended to be sought by planning condition in respect of the submission of a Construction and Environmental Management Plan.
- All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

- In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx emission rate of <40mg/kWh to minimise the effect of the development on local air quality within an Air Quality Management Area.

#### Highways – No objection

- The development is situated in an area with high PTAL rate of 2 and 5 on a scale of 0 – 6b, where 6b is the most accessible. Vehicular and pedestrian access would be from the existing access point from Frelands Road.
- No additional car parking would be provided. No objection is raised to the principle of a car free development. However, in order not to put pressure on the existing parking situation, future residents of the development should not be eligible to apply for parking permits.
- Cycle parking is indicated and acceptable. Refuse storage is indicated.

#### Drainage Officer – No objection

- No increase in footprint area. No Comment.

### **B) Local Groups**

No comments have been received from local groups

### **C) Adjoining Occupiers**

*Objection comments:*

#### Character (addressed in para 7.4.6)

- Extra storey to building would not be in keeping with the height of other buildings on this road.
- Extra height will be overbearing.
- Comments that the design is out of character with the existing building and degrades the streetscene.
- Preference to retain mid century character.
- Comments the materials and inset is also not in keeping.
- Design is unimaginative and unattractive to look.
- Many comments that the use of zinc cladding is not appropriate material to use.
- Out of scale, proportion and materials of adjacent buildings and areas.

#### Neighbouring Amenity (addressed in para 7.4.8)

- Comments regarding increased overlooking from an extra storey to neighbouring property with a resultant increased impact to neighbouring privacy.
- Comments regarding increased light pollution.
- Comments regarding impact to existing views from properties opposite.

- Concern regarding skylight replacement with light tunnel and potential lesser amount of light ingress to interior hallway. Comment that the light report is inaccurate.

Highways and parking (addressed in para. 7.4.2)

- Extra residents will increase parking congestion on local roads.
- Concerns raised that insufficient parking is provided.
- Concerns with refuse storage additional provision being in adequate.
- Loss of garden space due to bin stores and bike storage.
- Electric vehicle charging is required.
- Additional residents should be denied parking permits.

Other comments (see section 7 generally)

- Comments regarding limited consultation to residents from the developer prior to application being submitted to Council.
- Comments in respect of the impact and inconvenience of the construction process to existing residents in terms of noise/disturbance, traffic issues over a prolonged period.
- Concerns regarding impacts to residents ‘working from home’ during construction.
- Detailed building regulation criteria not mentioned in submission.
- Concerns regarding impact to structural integrity of the building.
- Comments that it will increase maintenance charges and resident’s personal insurances.
- Comments regarding accessibility to an extra floor.
- Concerns regarding disturbing asbestos that may be present in the building.
- Comments the proposal will result in a loss of value to neighbouring property and existing residents in the building.
- Fire access would need to be reviewed.

## 6 LEGAL CONTEXT AND POLICY CONTEXT

- 6.1 The Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 20, Class A (as amended) allows for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:
- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
  - (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
  - (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

The formation of upwards extensions to flatted blocks is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required as to:

- Transport and highways impacts of the development
- air traffic and defence asset impacts of the development
- contamination risks in relation to the building
- flooding risks in relation to the building
- the external appearance of the building
- the provision of adequate natural light in all habitable rooms and compliance with nationally described space standards of the new dwellinghouse
- impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light
- whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State,
- where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,
- where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

6.2 Article 3 - Permitted Development (as amended) by SI 1243 (6th April 2021) states at section (9A) of the GPDO that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

### **National Policy Framework 2023**

- 6.3 The NPPF was revised and published in September 2023 and the guidance relating to design, neighbouring amenity, to transport, flood risk, land contamination, noise and natural light in relation to quality of accommodation is a material consideration in the determination of applications for Part 20 Class A Prior Approval.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.

## **6.5 London Plan 2021**

- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D9 Tall buildings
- D12 Fire safety
- D14 Noise
- SI12 Flood risk management
- SI13 Sustainable drainage
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

## **6.6 Bromley Local Plan 2019**

- 4 Housing Design
- 30 Parking
- 32 Road Safety
- 37 General design of development
- 47 Tall & Large Buildings
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 118 Contaminated Land
- 119 Noise Pollution

## **7 ASSESSMENT**

### **7.1 Considerations/Assessment against GPDO**

7.1.1 Class B sets out the procedure for prior approvals under Part 20. Section B(3) states that the local planning authority may refuse an application where, in the opinion of the authority:

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

7.1.2 Class B(4) goes on to state that sub-paragraphs (5) to (10) and (12) do not apply where the local planning authority refuses an application under sub-paragraph (3).

7.1.3 Class A comprises: Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing

topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

7.1.4 Assessment: COMPLIES.

7.1.5 The plans will affect only the communal internal stairwells on the existing third floor to provide two extended stairwells up to the new third floor. The remaining ground to third floor layouts of the existing flats would be the same. Given the limited extent of the building works to the third floor it is considered that the required engineering operations are reasonably necessary to construct the additional storey and roof structure. Therefore, the works on balance, will be immediately above the existing topmost residential storey together with engineering operations reasonably necessary to construct the additional storeys.

7.2 Considerations assessment

7.2.1 Class A.1. Development is not permitted by Class A if -

7.2.2 (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;  
Assessment: COMPLIES

The building was not provided as a dwellinghouse by virtue of these Classes.

7.2.3 (b) above ground level, the building is less than 3 storeys in height;

Assessment: COMPLIES

The existing building is 4 storeys in height.

7.2.4 (c) the building was constructed before 1st July 1948, or after 5th March 2018;

Assessment: COMPLIES

Records indicate the building was constructed in the early 1970's.

7.2.5 (d) the additional storeys are constructed other than on the principal part of the building;

Assessment: COMPLIES

Having regard to the 'Interpretation of Part 20' section (C)(1) of the GPDO, the extension would be on the principal part of the building.

7.2.6 (e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

Assessment: COMPLIES

Based on the submitted drawings the floor to ceiling height, measured internally would not exceed that of any storey of the principal part of the existing building.

7.2.7 (f) the new dwellinghouses are not flats;

Assessment: COMPLIES

The proposal would provide flats only.

7.2.8 (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

Assessment: COMPLIES

Based on a comparison between the existing and propose drawings indicated heights the overall height would increase by approximately 2.4m as scaled from the submitted plans.

7.2.9 (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres

Assessment: COMPLIES

The increased height would be less than 30 metres.

7.2.10 (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

Assessment: COMPLIES

No support structures are shown on the submitted drawings.

7.2.11 (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to- (i) strengthen existing walls; (ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;

Assessment: COMPLIES

No such engineering operations are indicated within the submission documents.

7.2.12 (k) in the case of Class A.(b) development there is no existing plant on the building;

Assessment: COMPLIES

There is no existing plant on the building.

7.2.13 (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

Assessment: COMPLIES

There is no existing plant on the building and no new plant proposed.

7.2.14 (m) development under Class A.(c) would extend beyond the curtilage of the existing building

Assessment: COMPLIES

The development under Class A(c) would not extend beyond the curtilage of the existing building.

7.2.15 (n) development under Class A.(d) would - (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

Assessment: COMPLIES

The proposal is within the curtilage of the existing building.

7.2.16 (o) the land or site on which the building is located, is or forms part of - (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.

7.2.17 Assessment: COMPLIES

### 7.3 Article 3 Section (9A)

7.3.1 Article 3 - Permitted Development (as amended) by SI 1243 states at section (9A) that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

7.3.2 The Gross Internal Area (GIA) for the one bedroom one person residential units (Units A and C) are indicated as 45.5m<sup>2</sup> and 42.5m<sup>2</sup> respectively with single person bedrooms at 10m<sup>2</sup>.

7.3.3 The Gross Internal Area (GIA) for the two bedroom three person residential units (Unit B) is indicated as 62m<sup>2</sup> with bedrooms at 12.2m<sup>2</sup> and 8.3m<sup>2</sup>.

7.3.4 The nationally described space standard requires a GIA of 37m<sup>2</sup> for a one bedroom one person unit with a shower room and 61m<sup>2</sup> for a two person three bedroom unit. The bedroom size in each unit is compliant with the GIA standard. The floorspace provision for each of the units is considered compliant with the required standards of the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

### 7.4 Class A.2 (1) Conditions

7.4.1 Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to:

7.4.2 (a) transport and highways impacts of the development;

**Assessment: ACCEPTABLE**

The Highways Officer has not raised objection to the zero provision of parking stance put forward by the developer at the site for the additional residential units.

In light of the comments, Officers are of the opinion that the additional residential units would not result in a material increase to traffic or parking issues in the vicinity of the site subject to future residents of the development not being eligible to apply for parking permits. This can be secured by planning condition.

- 7.4.3 (b) air traffic and defence asset impacts of the development;  
Assessment: ACCEPTABLE

- 7.4.4 (c) contamination risks in relation to the building;  
Assessment: ACCEPTABLE

The development is contained within the existing footprint of the building and will not involve ground works in relation to the building.

- 7.4.5 (d) flooding risks in relation to the building;  
Assessment: ACCEPTABLE

The application site is not within a high risk flood zone. No objections are therefore raised.

- 7.4.6 (e) the external appearance of the building;  
Assessment: ACCEPTABLE

The interpretation of paragraph A.2(1)(e) is now an established case law principle in that assessment shall include the townscape context of the appearance of the building in the surrounding area as well as the building appearance itself.

The surrounding context comprises of a mix of 2-3 storey semi-detached houses and 3-4 storey flatted blocks. Given the mixed character of Frelands Road and the surrounding context it is considered that there is scope for a single storey upwards extension subject to detailed design considerations.

The proposed upwards extension is set in all sides to appear subservient to the existing building and to minimise the visual impact on the streetscene. The proposed height, scale and massing would not be dissimilar to flatted blocks in Widmore Road to the south of the application site and flatted blocks to the west (to the south of Park Road).

It is noted that the proposed fenestration pattern has been aligned with the positioning of the existing windows on the lower floors. The proposed zinc clad finish (with aluminium framed windows) to clearly distinguish between the 'old' and the 'new', is considered to be an appropriate design response. The quality of all external materials is recommended to be secured by planning condition. The proposed development is supported from an urban design perspective.

- 7.4.7 (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;  
Assessment: ACCEPTABLE

The proposal seeks to provide dual aspect units. All habitable rooms benefit from at least one window. It is therefore considered that the proposal would provide adequate natural light in all habitable rooms.

- 7.4.8 (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;  
Assessment: ACCEPTABLE

A Sunlight and Daylight report has been submitted and concludes the proposed development fully complies with BRE Guidelines and will not cause impact to daylight and sunlight access for the surrounding buildings and the amenity space within its vicinity. The report has been reviewed and the findings are supported.

Given the generous separation distances between buildings within the immediate context, it is not considered that the additional storey would result in any undue overlooking or loss of privacy to neighbouring residents. The upward nature of the extension is not considered to cause an unreasonable loss of amenity with regards to loss of privacy, overlooking or loss of outlook, overshadowing and overbearing impact at this site.

- 7.4.9 (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

Assessment: ACCEPTABLE

The application site is not within one of the protected vistas set out in the London View Management Framework.

- 7.4.10 (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building;  
Assessment: NOT APPLICABLE

The existing building is not 18 metres or more in height.

- 7.4.11 j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,  
Assessment: NOT APPLICABLE

## 8 CONCLUSION

- 8.1 The application for the for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).

8.2 Officers raise no objections to the proposal on the grounds of consideration as detailed above in this report and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

8.3 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: Grant Prior Approval**

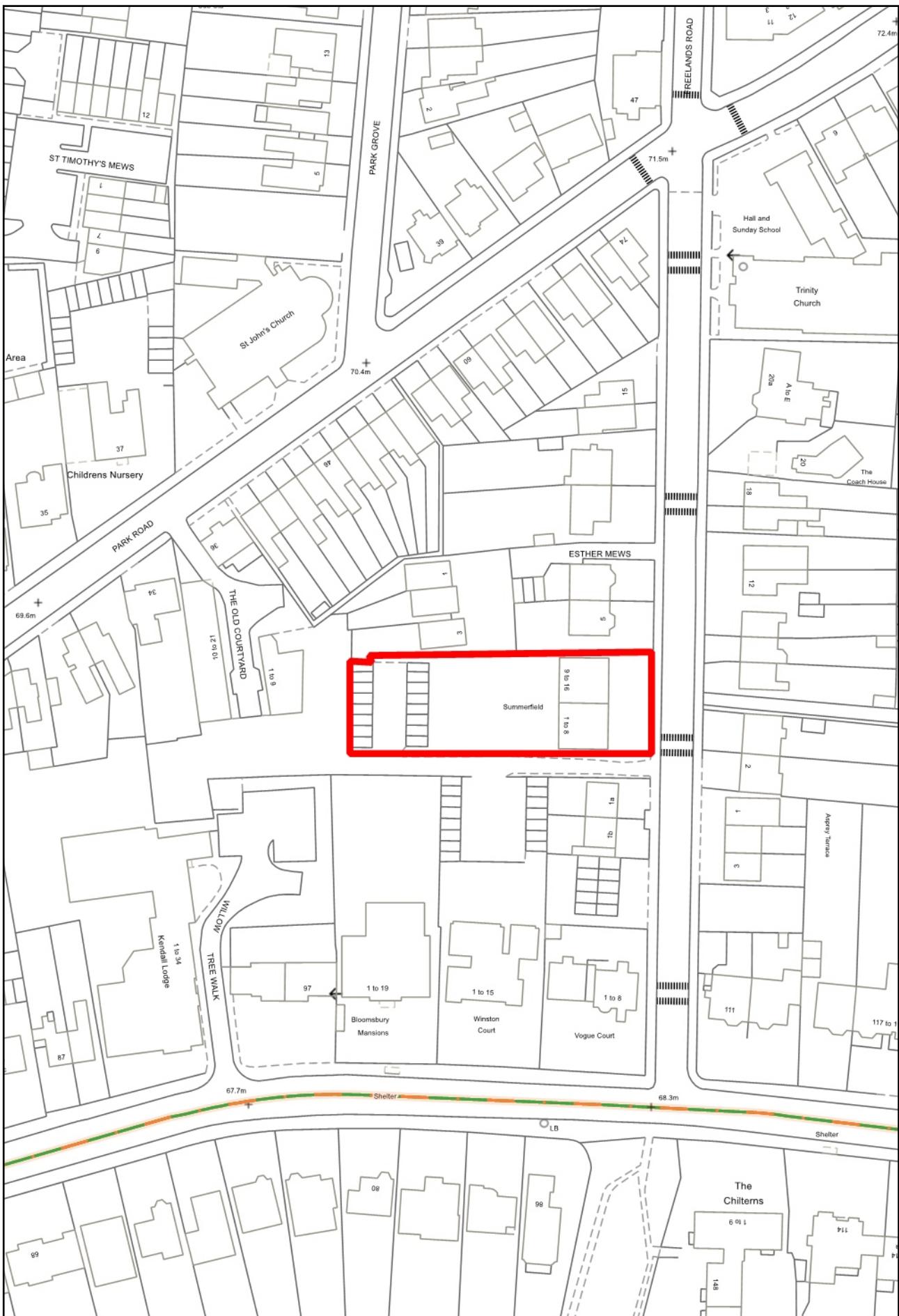
**Subject to the following conditions:**

- 1. Details of a Construction and Environmental Management Plan**
- 2. Details of Materials**
- 3. Details of Refuse Storage**
- 4. Details of Bicycle Storage**
- 5. Removal of Parking Permit Rights**

**Informatics**

- 1. Contact Naming and Numbering Officer at the Council.**
- 2. Reminder of CIL payments.**

**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.**



23/02774/NDFLAT

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<b>Committee Date</b>	21.12.2023	
<b>Address</b>	153 Ridgeway Drive Bromley BR1 5DB	
<b>Application Number</b>	23/03952/FULL6	<b>Officer</b> - Louisa Bruce
<b>Ward</b>	Plaistow	
<b>Proposal</b>	Demolition of garage to construct a single storey rear extension, double storey side extension, loft conversion with front/side rooflights and side and rear dormers and elevational alterations.	
<b>Applicant</b>	<p>Mr Rohan DeSilva</p> <p>153 Ridgeway Drive Bromley BR1 5DB</p>	<b>Agent</b>
		Mrs Sophie Doe
		212 The Bon Marche Centre 241-251 Ferndale Road London SW9 8BJ
<b>Reason for referral to committee</b>	Call-In	<b>Councillor call in</b>  Yes  Cllr Igoe - Overdevelopment of the site, not being in keeping with the character of properties on Ridgeway Drive and will add to parking pressures on Ridgeway Drive. Concern the property will become HMO.

<b>RECOMMENDATION</b>	Application Permitted
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## KEY DESIGNATIONS

Article 4 Direction  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Renewal Area  
Smoke Control SCA 7

<b>Representation summary</b>	<i>Neighbours were notified of the application on the 17<sup>th</sup> October 2023.</i>
Total number of responses	4
Number in support	0
Number of objections	4

## 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
- The proposal would result in the loss of one garage – but there are no technical highways objections to the proposals with regards to on-site parking provision and impact on road safety.

## 2. LOCATION

- 2.1 The application site is a two storey 1930's semi-detached property with garage to the side located on the eastern side of Ridgeway Drive, Bromley. No.153 sits at a slightly higher ground level from the adjoining semi of No.155 owing to the changes in topography along Ridgeway Drive.
- 2.2 No.153 Ridgeway Drive lies within the Links Estate where the majority of properties are two storey semi-detached properties.
- 2.3 The site does not lie within any conservation area or Area of Special Residential Character (ASRC) and the property is not a listed building.

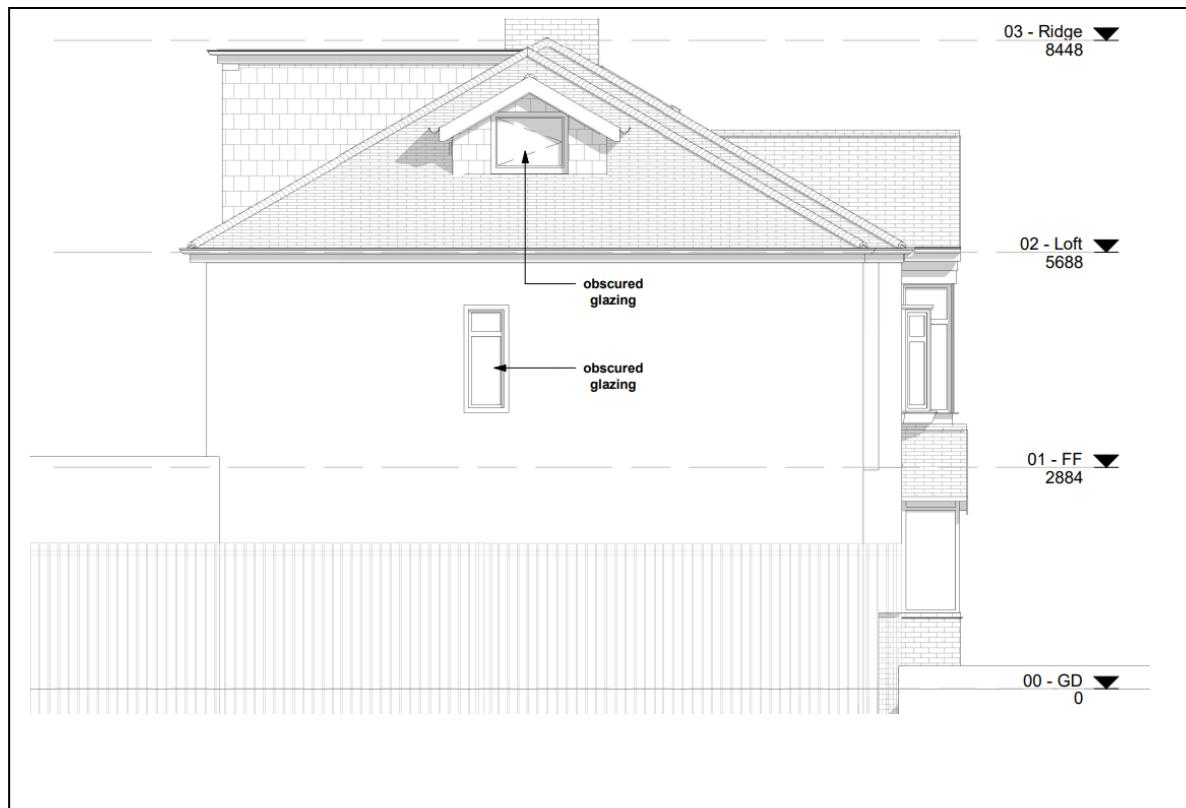


### **3. PROPOSAL**

- 3.1 Planning permission is sought for the demolition of the existing garage and construction of a single storey rear extension, two storey side extension, loft conversion with front rooflight and side and rear dormers and elevational alterations.
- 3.2 The application seeks to add a W/C and combined kitchen and dining room at ground floor whilst the first floor would provide an enlarged bedroom, new enlarged bathroom and a study. The proposed loft conversion would add two additional bedrooms, ensuites to each bedroom, staircase and storage. The property would become a five bedroom dwellinghouse.
- 3.3 The two storey side extension has a hipped roof design as does the side dormer. The single storey rear extension has a flat roof as does the rear dormer extension. The materials are shown to have a rendered finish to match the existing property.
- 3.4 One new rooflight is shown to be inserted in to the front roof slope, new windows are proposed for the front, flank and rear elevations (including the new rear dormer extension). The new windows shown in the flank elevation are shown to be obscure glazed.



Front Elevation



Flank Elevation



Rear elevation

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

- 4.1 Under planning application ref: 23/02911/FULL6 planning permission was refused for Demolition of garage to construct a single storey rear extension, double storey side extension, loft conversion with front rooflights and side and rear dormers and elevational alterations. The reason for refusal read as follows:

*The roof design of the two storey side extension by reason of its unsymmetrical roof pitch and addition of a side dormer window would be out of keeping with scale and form of the host property and adjacent development, harmful to their character and appearance contrary to Policies 6 and 37 of the Bromley Local Plan (2019) and Urban Design Guidance (2023).*

- 4.2 Under planning application ref: 16/01035/FULL6 planning permission was refused for a two storey side extension and roof alterations to incorporate rear dormer extension with roof lights to front and elevational alterations. The reasons for refusal read as follows:

1. *The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene and the area, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies BE1, H8 and H9 of the Unitary Development Plan.*
2. *The proposed hip to gable roof alterations and rear dormer by reason of its size, scale and mass would harm the open and spacious setting of the streetscene and would unbalance the symmetrical appearance of the host and adjoining dwelling contrary Policies BE1 and H8 of the Unitary Development Plan and SPG 1 General Design Principles & SPG 2 Residential Design Guidance.*

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

##### **A) Statutory**

- Highways – *no objection*

The development will result in loss of one parking space by conversion of an existing garage to a habitable accommodation. However, there are spaces available within the site's curtilage which would be utilised for parking. Therefore, on balance, I raise no objection to this proposal.

##### **B) Local Groups**

No objections from any local groups.

### **C) Adjoining Occupiers (addressed in para 7.4)**

- This is the third or fourth time the applicant has applied, each time it had thankfully been rejected by the Council.
- The proposed extension will impact our lights
- Compromise privacy
- To date no one has given planning permission for a double storey extension in place of a single storey garage. Allowing this would set a precedent.
- It will be totally out of character within the local area
- The house was bought as a buy to let 17 yrs ago and currently as people sleeping in every room. This is not an application to support a growing family but to support a business man profiting from another HMO.
- There is concern that the amount of building work that would be required would have an adverse effect on the foundations and structure of 155 Ridgeway Drive.
- A similar application in 2016 (16/01035FULL) for an extension was refused by the Bromley Planning Committee.

## **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 strongly indicate otherwise.
- 6.3 The National Planning Policy Framework was updated on the 5<sup>th</sup> September 2023 and is a material consideration.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2021). The NPPF does not change the legal status of the development plan.
- 6.5 The application fails to be determined in accordance with the following policies:

## NPPG

### The London Plan (2021)

- D1 London's form character and capacity for growth
- D4 Delivering good design
- D5 I Inclusive design
- T6 Parking

### Bromley Local Plan (Jan 2019)

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

### Bromley Supplementary Planning Guidance

#### Urban Design Guidance (2023)

## 7. ASSESSMENT

- 7.1.1 The application is a resubmission of a similar application which was refused planning permission on the 28<sup>th</sup> September 2023 for the following reason:

*The roof design of the two storey side extension by reason of its unsymmetrical roof pitch and addition of a side dormer window would be out of keeping with scale and form of the host property and adjacent development, harmful to their character and appearance contrary to Policies 6, 8 & 37 of the Bromley Local Plan (2019) and Urban Design Guidance (2023).*

- 7.1.2 The single storey rear extension and the rear dormer extension remain unchanged since the previous application. The main changes are to the roof pitch, which now measures the same degree as the host dwellinghouse and the side dormer has been reduced in size and overall scale. One rooflight has also been removed from the front roof slope.

### 7.2 Design – Layout, scale height and massing - 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. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.2 London Plan Policy D4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals, including extensions to existing buildings, will be expected

to be of a high standard of design and layout. Policy 6 of the Bromley Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

- 7.2.3 Policy 8 (Side space) states that when considering applications for new residential development, including extensions, the Council will normally require the following: (i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or (ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.
- 7.2.4 The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.
- 7.2.5 Ridgeway Drive predominantly features two storey semi-detached houses within its street scene. No.153 Ridgeway Drive forms one half of a pair of semi-detached properties and is located on the eastern side of the road. A single storey garage lies to the side of the property and the property benefits from a driveway which can accommodate one car. Whilst it appears that there are no immediate examples of other two storey side extensions within the immediate vicinity the proposed two storey side extension would be set beneath a hipped roof of the same degree and constructed of materials to match the host dwelling.
- 7.2.6 The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits. The extension would not appear disproportionate in the context of the scale and side of the host property complying with the requirements of Policy 8 (Side Space).
- 7.2.7 The proposed development also seeks to add a side dormer extension with an obscure glazed window. There are examples of other dormer windows/extension in the flank elevations of neighbouring properties (namely No. 136, 157, 175 and187) all of the dormer windows/extensions have been constructed within the original roofslope and not part of an extension. It is however noted that the side dormer window has been reduced in its bulk and scale since the refusal of the previous application and contains a window which is to be obscure glazed to ensure privacy between neighbours.
- 7.2.8 The proposed rear dormer extension would be constructed within the existing roofslope and its dimensions would be modest and not harm the character and appearance of the property being located to the rear. It is noted that many other

properties within the road have rear dormer extensions. The dormer extension would have a flat roof and sit down from the main ridge and up from the eaves.

- 7.2.9 The addition of the single storey rear extension is considered acceptable based on the proposed modest dimensions (4m in depth, 4.4m in width and 3.5m in height with a flat roof). Patio doors are located in the rear elevation which lead out to a set of steps which lead out to the rear garden. The rear extension would be considered a subservient addition to the property. The proposed single storey rear extension will not be visible from the front of the property, therefore will not impact upon the streetscene.
- 7.2.10 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.

### **7.3 Highways – Acceptable**

- 7.3.1 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan should be used as a basis for assessment.
- 7.3.2 The proposal would result in a reduction in car parking on site as a result of the proposed garage conversion. However, a sufficient level of parking would remain on site (1 space) and no adverse highway impacts are expected to arise. No technical objections have been raised by the Council's highways officers.

### **7.4 Neighbourhood Amenity - Acceptable**

- 7.4.1 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.
- 7.4.2 Neighbours have objected to the proposals for the reasons highlighted in the comments section above. The two storey side extension would be visible to the neighbours at No.151 although its 1m separation from the boundary would mean that the side extension would not significantly harm the neighbours outlook or daylight/sunlight.
- 7.4.3 With regards to the single storey rear element, given the siting and proposed modest dimensions, on balance this element is not considered to significantly harm the neighbours amenity at adjoining sites.
- 7.4.4 Two new windows are proposed in the flank elevation of the extension but are shown to be obscure glazed which would ensure privacy between neighbours. Rear dormers are a feature of this area and the rear dormer extension is not considered to cause any significant overlooking or loss of privacy compared to the existing first floor windows.

- 7.4.5 Concerns have also been raised about the character and appearance of the streetscene being altered as a result of the garage to the side of the property. The application site is not part of an area which is designated for its special character or architectural interest and whilst the loss of the existing garage is regrettable the side extension is considered to be a subservient addition to the property which complies with all the relevant policies.
- 7.4.6 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. In this instance there are no material considerations that strongly indicate that the application should be determined otherwise than in accordance with the development plan.

## 7.5 Other

- 7.5.1 Several of the neighbour comments relate to the property being used as a House of Multiple Occupation (HMO). A site visit of the inside of the property in August 2023 by a member of the Council's Enforcement Department found that the property was empty with the applicant commenting that he was in the process of redecorating. The Enforcement Complaint was made in connection with the permanent presence of a skip within the front garden of the property.
- 7.5.2 The application site is covered by the Article 4 Direction which came into effect on 1/09/22 removing the permitted development rights concerning the change of use of a building from a Class C3 dwelling to a Class C4 house in multiple occupation. A change of use to a HMO would result in a material change in the use of the property, likely to be associated with an increased level of activity, for which planning permission would be required. The applicant has not applied to change the use the property in this case and the proposal to extend this dwelling therefore needs to be considered on its merits.

## 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. No adverse impact on parking provision or conditions of highway safety are anticipated to arise.

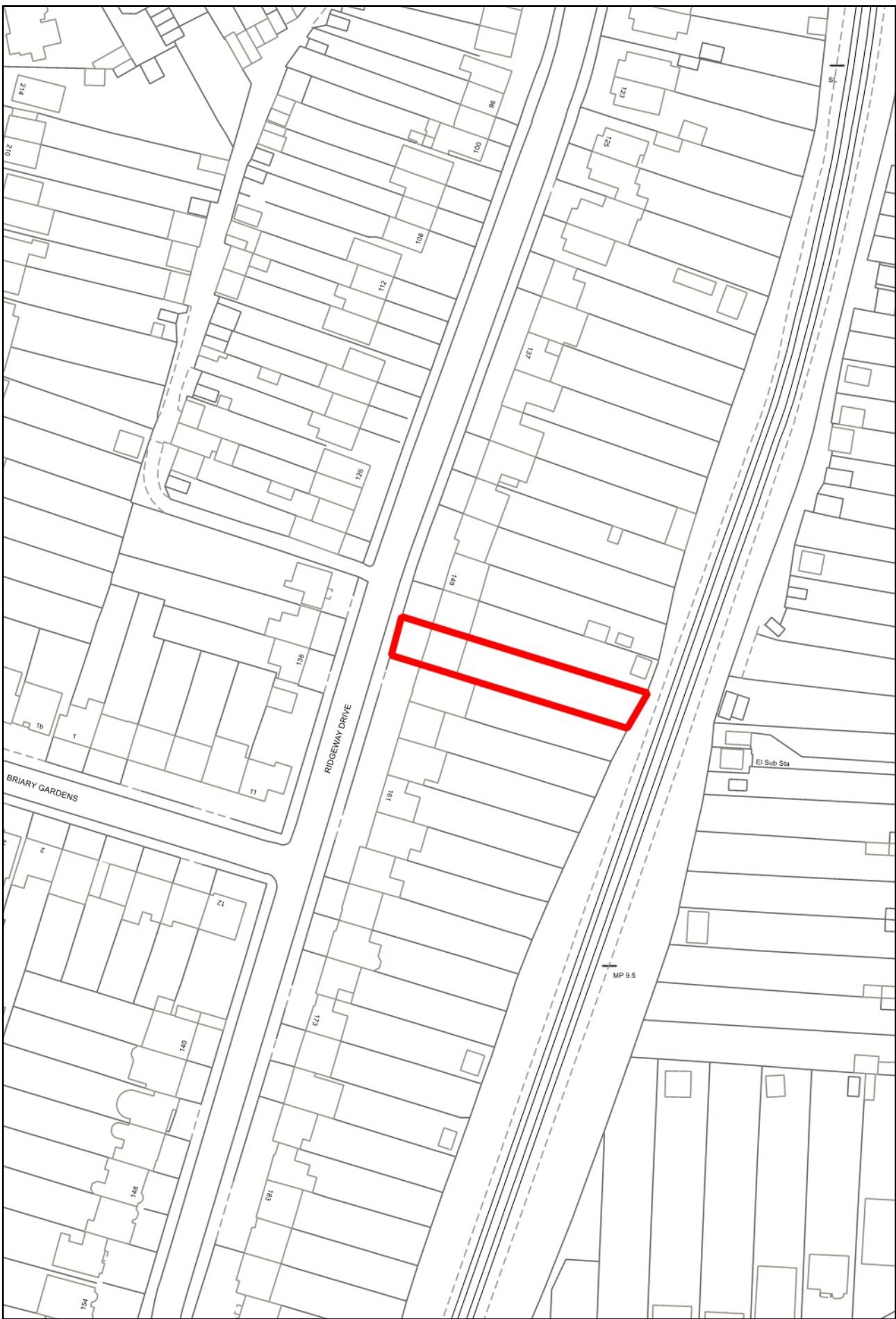
## **RECOMMENDATION: Application Permitted**

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

1. Standard time limit of 3 years
2. Standard compliance with approved plans
3. Materials in accordance with plans
4. Obscure glazing (flank elevation)

5. Parking (Driveway retained for one off-street car parking space)

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



23/03952/FULL6



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