

SECTION '2' – Applications meriting special consideration

Application No : 14/04148/FULL1

Ward:
**Bromley Common And
Keston**

Address : Bracken House Westerham Road
Keston BR2 6HH

OS Grid Ref: E: 542085 N: 164614

Applicant : Mrs Ozlem Piro

Objections : YES

Description of Development:

Single storey rear extension to form pre-school (D1)

Key designations:

Conservation Area: Keston Park
Biggin Hill Safeguarding Birds Aldersmead Road
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London Distributor Roads

Proposal

The application seeks permission for the construction of a single storey extension to the rear of the property to be used as a pre-school.

The extension will be located to the north side of the rear of the property and will replace an existing conservatory which projects a maximum of 6.5m to the rear. The proposed extension will project approximately 17.7m in depth, when scaled from the submitted drawing. The main part of the extension is shown to include four rooms including a sensory room, a dining/play room, a class room and a nap room, with a separate area for three toilets and wash basins. The drawings show the main part of the extension is to have a pitched roof with a maximum height of 3.55m and approximately 3m to the eaves. This part of the extension will be located 2.7m from the northern side boundary shared with Pari and 11.65m from the southern side boundary shared with Fairlawns. The element which is to house the toilet area will have a flat roof approximately 3m in height and will retain a distance of 1m to the northern side boundary. The drawings show the main part of the extension is to be constructed using London yellow stock brick with grey slate tiles and timber Louvre screens along the southern elevation to partially give shade to the large windows. The toilet area of the extension is shown to be clad in vertical timber cladding.

An existing single storey outbuilding located to the rear of the property is also indicated to be used as part of the pre-school for use as a staff room/office.

The submitted statement indicates that existing conservatory is currently used for Little Sunshine child care which accommodates approximately 12-15 children between the ages of 0months-5years. The proposed extension is intended to improve the current facilities to enable it to be used as a pre-school. The proposed pre-school will be separate to the main dwelling (although an internal access will remain), and the access to the pre-school would be via a side gate located to the south of the main property rather than through the main dwelling. The submitted statement also indicates that the primary use of the site will remain residential, with the main property as a domestic dwelling, and the extension as a pre-school owned and run by the occupants of the main house.

The proposed pre-school is to accommodate 2-5yr olds. The statement indicates the number of children proposed is to be 12-15 maximum, with 3 members of staff. The hours of operation would be from 08:00 to 18:00 Monday to Friday, with an allocated drop off time for the morning between 08:00-08:30 where the entrance gates to the site will remain open. However, collection times may vary. The statement also details the proposed arrangements for outdoor play with six 15min sessions throughout the day for a maximum of 6 children at a time.

The submitted statement also indicates that there is parking availability within the site for up to 5 vehicles.

Location

The application site is a large two storey detached property on the eastern side of Westerham Road, Keston. The property is set back from the road and benefits from a large front driveway. The site lies adjacent to the Keston Park Conservation Area.

Comments from Local Residents

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

- this part of Westerham Road is residential and if approved the application would alter Bracken House to create a substantial building that is dedicated solely to a commercial activity.
- breach of existing covenants that require the premises to be kept as a single private dwelling house with business use not permitted
- the change of use of the temporary building that already exists into an office would substantially increase the amount of space devoted to commercial activities
- would disrupt the established building line at the rear to houses on Westerham Road
- set a precedent for development at the rear changing the character of the area

- neighbouring property to the north is lower than Bracken House and so the overall height of the development is increased
- the proposal does not constitute home working
- additional noise and traffic disturbance
- development not in keeping with Conservation Area
- proposal would have a detrimental impact on current and future neighbours because it would cross existing building lines and create a precedent
- any development should respect the amenity of occupiers of neighbouring buildings
- applicants/agents have given no pre-advice to neighbours
- employing staff, having a separate business entrance and having a clear separation between business and residential use is not home working
- application is more of a day nursery rather than pre-school and restrictions should be applied to numbers of children, hours of operation and days open a week/per year
- most day nursery premises having living accommodation attached to their business
- pre-school is very different and of larger scale than the current childminding arrangement
- additional cars waiting to enter the property will be detrimental to the free flow of traffic
- shrubs and trees are in neighbours garden and would not reduce noise nuisance
- commercial premises mentioned in the design and access statement is over a quarter of a mile away and is irrelevant
- traffic plan is incorrect

Any further comments received will be reported verbally at the meeting.

Comments from Consultees

The Council's Highways Engineers have commented that the access to the site will remain as currently exists via the secure 'in and out' gated driveway and the parking will remain as existing, therefore raising no objection.

The Council's Environmental Health Officer raises no objections.

The Council's Early Years Officer has provided supporting comments for the application, stating the following:

'The application is for a small pre-school in an area where there is limited provision and would provide additional places for 2-5 year olds.

The house is currently registered by OfSTED for childcare on domestic premises and the building of this extension will enable the owner to take additional children in a purpose built, child-friendly environment.

The provider has been supported by the Quality & Sufficiency team with the development of this project and also with the delivery of the Early Years Foundation Stage.'

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- H8 Residential Extensions
- BE1 Design of New Development
- BE13 Development Adjacent to a Conservation Area
- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- EMP8 Use of Dwellings for Business Purposes
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T18 Road Safety

The London Plan and National Planning Policy Framework are also key considerations in determination of this application.

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework.

Planning History

Under ref. 97/01356, retrospective planning permission was granted for a single storey rear extension for conservatory.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties, and the impact on the highway.

The proposal consists of the construction of a substantial single storey rear extension to the rear of the property to be used as a pre-school. As such, the proposal includes the change of use of part of the site (the proposed extension) from residential to a business use, as well as consideration with regards to the acceptability of the extension itself.

The submitted statement indicates that the current residential premises, primarily the existing conservatory, is used by the householder to provide child care to between 12-15 children between the ages of 0months-5years. The proposed extension is to replace the existing conservatory and child care facility to allow the use as a pre-school for 12-15 children between the ages of 2-5years, although it is stated that the numbers of children attending will vary throughout the day and week

due to the requirements of the parents/guardians. It is proposed that the pre-school will be open between 08:00am - 18:00pm Monday-Friday.

The application also indicates that the intention is that the extension and use as a pre-school will be separate to the main dwelling (although an internal access will remain), and that the access to the pre-school would be via a side gate rather than through the main dwelling. However, the submitted statement also indicate that the primary use of the site will remain residential, with the main property as a domestic dwelling, and the extension as a pre-school owned and run by the occupants of the main house. It is noted that the floorspace of the ground floor of the existing property which will remain as residential is approximately 156 sq metres, with an additional approx. 140 sq m on the first floor. The floorspace of the proposed extension, to be used as a pre-school, will be approximately 102 sq metres. Additionally, it is proposed to use the existing detached outbuilding to the rear of the site as a staff room/office in conjunction with the proposed pre-school providing an additional floorspace of approximately 26 sq metres.

Policy C7 provides support for the Council's commitment to improved services and opportunities for children, as set out in its Early Year's Development and Childcare Plan. Comments have been received from the Education and Childcare services to their support for the development of the pre-school in this area. However, no information has been provided by the applicant as to the local need for such a development in this area to support the application.

The existing garden space at the property is to be utilised by the pre-school during the hours of operation. The applicant has stated that this will be limited to three sessions (morning/lunchtime/afternoon during summer), with each session being split between 2 groups of 6 children maximum each. It is noted that no objections to the proposal have been received from our Environmental Health officer.

Policy EMP8 relates to the Use of Dwellings for Business Purposes, and states that 'the Council will normally permit the use, by the householder, of part of a dwelling for business purposes only where: (i) the business use is secondary to the primary residential use of the property; (ii) the business use does not generate an unacceptable level of additional vehicular or pedestrian traffic so as to be detrimental to residential amenity; and (iii) the residential character of the area is not unduly affected by noise or other inconvenience.'

A number of objections have been received by neighbouring properties with regards to the proposed increased use of the property as a commercial activity, which would not constitute home working and would create additional noise and traffic disturbance. Concerns have also been raised with regards to a breach of existing covenants which require the properties to remain as single private dwellinghouses and not for use as a business. However, the matter of covenants cannot be considered as a material consideration in the determination of a planning application as they are a private legal matter.

As stated within Policy EMP8, a key concern will be the impact with regards to additional pedestrian and vehicular traffic. This is also a primary consideration with regards to both Policies C1 and C7. The submitted statement and plans indicate

that there is parking availability for up to 5 cars on the existing driveway. Additionally, the applicant has stated that as the number of staff and children who attend the pre-school will remain the same as the current child care facility, the travel/parking arrangements will not differ. However, it is indicated that there will be an allocated 30mins between 08:00-8:30am for drop off, where the main driveway gates will remain open, although the pick-up times will vary. Our Highways Engineers have advised that as the access to the site will remain as currently exists via the secure 'in and out' gated driveway and the parking will remain as existing, they raise no objection.

The extension will be located to the north of the rear of the property and will project approximately 17.7m in depth. The element which is to house the toilet area will have a flat roof approximately 3m in height and will be located 1m from the northern side boundary with the neighbouring property at Pari. The main part of the extension will retain a distance of 2.7m from the side boundary shared with Pari and will have a pitched roof with a maximum height of 3.55m (approximately 3m to the eaves). The extension will be located 11.65m from the southern side boundary shared with Fairlawns.

The existing boundary treatments to the sides and rear consist of heavy vegetation including tall bushes and trees, and from the rear garden of Bracken House the neighbouring properties are barely visible. As such the proposed single storey extension will be partially obscured by this existing vegetation. However, it should be noted that the proposed extension is considerable in depth close to the boundary with the neighbouring property at Pari and concerns have been raised by the residents of this neighbouring property with regards to the height, depth and location of the extension close to the shared boundary. Additionally, Member's should also consider the impact of the extension on the host dwelling with particular regards to its depth.

Taking into account all the above, whilst there is an existing child care facility at the site, this is contained within the main dwelling and existing small conservatory. As such, Member's may consider that on balance the proposed use of the extension and the existing outbuilding as a pre-school would create an unacceptable increased use of the site for a commercial purpose and as such the pre-school use at the scale proposed would be out of character with the surrounding residential properties and detrimental to the amenities of these neighbouring properties. Furthermore, Member's may consider that the proposed depth of the extension is excessive and is an overdevelopment of the site causing a detrimental impact on the character of the host dwelling.

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed change of use of part of the site to form a pre-school would create an unacceptable increased use of the site for a commercial activity, which would be out of character with the surrounding residential properties and detrimental to the amenities of these neighbouring properties, thereby contrary to Policy EMP8 of the Council's UDP.
- 2 The proposal, by reason of its excessive depth and size would be an overdevelopment of the site causing a detrimental impact to neighbouring amenity and to the character of the host dwelling, thereby contrary to Policies H8 and BE1 of the Council's UDP.

INFORMATIVE(S)

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)).

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

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

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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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