

SECTION '2' – Applications meriting special consideration

Application No : 16/01190/FULL1

Ward:
Clock House

Address : 25 Samos Road Penge London SE20
7UQ

OS Grid Ref: E: 534935 N: 169232

Applicant : Mr Alex Deutsch

Objections : YES

Description of Development:

Single storey side extension, part one/two storey rear extension, rear dormer extensions and conversion into 5 no. flats with associated parking.

Key designations:

Smoke Control SCA 51

Proposal

The determination of this application was deferred without prejudice on 12th May 2016 to seek the following amendments:

- To seek a reduction in the quantum of development
- To re-assess the off-street parking provision
- To seek a reduction in the number of residential units.

The applicant has engaged a planning consultant to review the planning application and the consultant has submitted a letter supporting the application as originally submitted and considered by Members on 12th May 2016. It is stated that the reasons for deferral were given serious consideration by the applicants but that to reduce the quantum of development and the number of residential units would "diminish the commercial prospects of the development" as well as harming "sustainability by not making the best use of land and reducing by one the supply of new homes in a borough where the need is going unmet."

The supporting statement details the relationship between the proposed extensions, the boundary and neighbouring development and it is stated that "the proposal offers a better relationship with the neighbouring property than a permitted development extension."

With regards to the second point of deferral, which related to off-street parking, while it is considered by the applicant that the layout is acceptable, the applicant would agree to a planning condition to be attached if permission is granted which would state:

"Notwithstanding the parking layout as shown on submitted plan no. 3748.P.100 RevA, details of the design, including the number of spaces, of the frontage parking area with hard and soft landscaping shall be submitted to the LPA prior to occupation of any flat in the development and the arrangements/scheme shall only be completed in accordance with the approved details prior to occupation of any flat."

The supporting statement is available on file.

The previous report is repeated below, suitably amended where appropriate.

It is proposed to extend the host dwelling and convert it to provide a total of 5 flats.

The extensions to the host building comprise:

- o The replacement of the existing single storey side extension with a new side extension providing habitable accommodation. The side extension would align with the main front elevation. It would immediately abut the side boundary and would project to the rear to align with the rear ground floor elevation of a part one/two storey rear extension.

- o the erection of a part one/two storey rear extension with the continuation of the existing rear roof slope. The extension would have a depth of rearward projection of approx. 5m at ground floor level and would extend for the full width of the site. The ground floor element would incorporate an angled element adjacent to the boundary with the adjoining dwelling, with the rearward projection of the extension adjacent to the boundary being approx. 3.8m and would have a flat roof which would surround the first floor projection. The first floor extension would have a depth of approx. 3.3m and would align with the north western first floor side elevation of the building. A separation of 2m would be retained between the first floor extension and the party boundary with No. 27.

The extension would incorporate a sweeping pitched roof continuing the slope of the existing roof over the rear extensions. The rear facing windows would be set within the rear elevation with connecting rooflights set within the extended roof slope.

- o The formation of a large rear dormer within the extended roof slope, serving the proposed two bedroom flat within the roof space.

4 off-street parking spaces are proposed to be provided on a hardstanding which would extend for the full width of the frontage and would incorporate a footpath to the front door and a refuse storage area adjacent to the boundary of the site with No. 23.

Cycle parking spaces are shown to be provided, sited within a bike store located in the rear garden. Access to the rear garden is provided by way of a central corridor in addition to access from the ground floor flats.

The garden would be landscaped and reconfigured to provide private garden areas for flats 1, 2 and 5 with a larger communal garden provided to the rear and areas of paving set between the garden and patio areas.

Location

The application site lies on the south western side of Samos Road and comprises a large two/three storey semi-detached dwelling which is currently a single dwellinghouse. The host dwelling and its semi-detached dwelling have gable ends and front gable and bay window features. They live within a row of similar properties which extend from the south east up to the application site. To the north west of the application site is a row of period purpose-built maisonettes.

The rear elevation of the host dwelling incorporates small single storey elements on either side of a modest two storey rear element which is original to the dwelling and replicated on the adjoining semi-detached property. The host dwelling has a modest rear dormer. A single storey lean-to lies towards the north western boundary of the site with No. 23 Samos Road, which in common with the two storey purpose built maisonettes incorporates a substantial two storey rear projection set towards its north western boundary with a metal staircase leading from the first floor flat to the shared rear garden, with clear glazed flank windows facing the application site and rear facing clear glazed windows overlooking the gardens.

The adjoining semi-detached dwelling (No.27) has a single storey rear conservatory style extension which is positioned away from the party boundary with the host dwelling and an open framed pergola which lies between the rear extension and the boundary with the application site.

Consultations

Neighbouring owners/occupiers were notified of the application and a number of representations have been received, which can be summarised as follows:

- The proposal would be an overdevelopment of the site
- Would result in an increase in pedestrian movements in and out of the building and an increased noise and disturbance
- Extension would be excessive and overbearing, out of keeping with other properties in the street
- Loss of privacy and daylight
- Increased demand for parking in the area
- The refuse store would not be large enough for all bins required - each property has about 4 bins (including recycling bins) and the lack of a front boundary wall would mean rubbish would spread into the street
- Impact on highways safety
- The parking area would have an impact on the look and feel of the street
- Lack of information regarding foul sewerage
- The flat roof side extension would be out of keeping with the look of the street

- Parking spaces would be insufficiently deep
- The density of the development is too high and the proposal does not constitute a significant reduction on the previous scheme

Technical comments

Comments from an Environmental Health perspective are on file, and the applicant submitted revised plans to address some points.

No objections are raised to the proposal from a highways perspective. The site is identified as lying within an area with a medium PTAL rate of 3 (on a scale of 1-6, where 6 is the most accessible). Four car parking spaces would be provided for the development via a new crossover. The strict policies of Street Services regarding the formation of vehicular crossovers should be met if permission is granted. The number of car parking spaces is acceptable and no objections are raised in principle. The Highways Inspector has visited the site and confirmed satisfaction with the parking layout indicated on the drawing. The planning consultant's suggestion that 2 car parking spaces could be provided would not be sufficient and would be unacceptable on highways grounds.

From a drainage perspective, it is noted that the site appears to be suitable for an assessment to be made of its potential for a SUDS scheme to be developed for the disposal of surface water.

Planning Considerations

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

- BE1 Design of New Development
- H1 Housing Supply
- H8 Residential extensions
- H7 Housing Density and Design
- H9 Side Space
- H11 Residential Conversions
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T18 Road safety

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

- SPG No.1 - General Design Principles
- SPG No.2 - Residential Design Guidance

London Plan

The following policies of the London Plan are of particular relevance to the application:

- Policy 3.3 Increasing Housing Supply.
- Policy 3.4 Optimising Housing Potential
- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.7 Renewable energy
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 6.9 Cycling
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)
Housing: Supplementary Planning Guidance. (March 2016)

National Planning Policy Framework

The National Planning Policy Framework is a material consideration in the determination of the application, including (but not limited to) the following:

Para. 56 of the NPPF refers to the need for good design, and the indivisibility of good design from good planning.

Section 6 of the NPPF relates to the need to deliver a wide choice of high quality homes.

Planning History

Under reference 15/05565 planning permission was refused for the extension and conversion of the host building into 5 flats. 3 two bedroom flats were proposed in addition to 1 three bedroom and 1 one bedroom flats. The extensions proposed comprised part one/two storey side extension lying immediately adjacent to the flank boundary of the site with a side space of 0.85m at first floor level to the boundary. At the rear a part one/two storey extension was proposed with a ground floor depth of rearward projection of 4.3m immediately abutting the boundary with the adjoining semi-detached dwelling. At first floor level a 3m depth of rearward projection immediately adjacent to the boundary was proposed.

Planning permission was refused for the proposals on the following grounds:

1. The proposal, by reason of the size, scale and siting of the proposed extensions would have a seriously detrimental impact on the distinctive character and visual amenities of the area and the residential amenities of the occupiers of neighbouring properties, resulting in an unacceptable loss of outlook and visual impact, thereby contrary to Policies BE1, H8 and H11 of the Unitary Development Plan.
2. The size and number of flats proposed would result in an overintensive use of the site, detrimental to the residential and visual amenities of the area, thereby contrary to Policies H11, H8 and BE1 of the Unitary Development Plan.

Conclusions

The main issues in the determination of this application are the impacts that the proposed extensions and conversion would have on the visual and residential amenities of the area. In assessing the merits of the proposal the planning history of the site is a material planning consideration, and it is necessary to carefully consider whether the proposals represent an improvement over the previous scheme such that would overcome the grounds for refusal of 15/05565.

No technical highways objections are raised to the proposed off-street parking, in terms of the number of spaces to serve the needs of the development and the layout and practicability of the parking spaces. The representations received from neighbouring residents are acknowledged, but on balance it is considered that the parking provision would be adequate to serve the needs of the development. Furthermore, the current plans show potential landscaping within the forecourt area, albeit modest, and a landscaping condition could be imposed to seek a satisfactory setting and appearance for the off-street parking area.

The supporting statement submitted by the applicants includes a suggested planning condition should permission be granted, which would allow amendments to the parking scheme and enable consideration of the number of spaces in addition to the appearance of the site frontage. There are competing concerns raised by neighbouring residents regarding the extent of the hardstanding in terms of the impact on visual amenity, there being insufficient depth for the parking spaces as shown on the submitted drawings and there being a demand for on-street parking in the locality.

The description of the planning application refers to "associated parking" without specifying the number of spaces although the application forms refer to 4 no. spaces being provided. The condition suggested by the applicant may afford the opportunity for the balance between soft and hard landscaping to be fine-tuned in discharging the condition, although Members will be aware of the limited scope within the dimensions of the forecourt to provide 4 car parking spaces while increasing the soft landscaping provision over and above that shown on the submitted layout.

The size of the proposed flats comply with the Housing Standards in the Minor Alterations to the London Plan 2016.

With regards to the residential intensity of the use of the site, it is not considered that the use of the property to provide 5 flats would be unacceptable in principle, taking into account that a significant number of semi-detached dwellings in Samos Road have been converted into 4 or 5 flats. In considering the merits of the previous scheme the configuration of nearby flats was taken into account, and it was noted that fewer bedrooms per flat tended to be provided in nearby converted dwellings. Whereas Unit 4 of the previous scheme provided 2 bedrooms, this has been reduced in the current application to 1 bedroom.

It is appropriate to consider whether this modest reduction in the scope of the proposals would adequately address ground 2 of the previous refusal which referred to "the size and number of flats" resulting in an overintensive use of the site. It is considered that the reason for refusal referred to the combined impact of the size and number of flats, taking into account the assessment that the provision of 5 flats would not be unacceptable in principle, and as such that a reduction in the size of flat/s may address the previous reason for refusal. The main issue is whether the reduction currently proposed is sufficient to limit the impact of the proposal on the residential amenities of the area if the extensions are considered to satisfactorily address reason 1 of the previous refusal which referred to the size, scale and siting of extensions.

With regards to the proposed extensions to the property, the deletion of the first floor side extension is welcomed. It is considered that the scale, form and siting of this element of the extensions would not be harmful to residential or visual amenity. The extension would be set on the ground floor only, and as such would not result in unrelated terracing or a cramped appearance. While the extension is larger than the existing single storey lean-to, the provision of a single storey side extension would not represent a jarring or alien feature in the street scene, and the modest height of the extension would not be detrimental to the rhythm and pattern of development in the locality.

The rear extensions warrant very careful consideration with regards to their impact on the residential amenities of the neighbouring properties. Being located at the rear of the property the impact of this part of the proposal on the visual amenities of the locality is considered acceptable.

Of particular concern in the determination of the previous application was the impact of the proposed extensions on the adjoining dwelling at No. 27, as well as the impact of the depth of rearward projection on No. 23. It was considered that the cumulative impact of the proposed extension and the existing rear projection at No. 27 would have resulted in an unacceptable tunnelling effect to the rear facing windows between the extension at No.27 and the party boundary. The current proposal comprises a 3.5m deep rear extension which incorporates an angled elevation towards the boundary with the projection along the boundary reduced to 2.2m rather than the sheer flank wall projection of 4.3m which was previously proposed. The application drawings demonstrate that the rear projection would not project within a 45 degree angle of the rear facing doors at the neighbouring

property, although No.27's own extension does lie within this angle of vision on the other side.

At first floor level the depth of the extension remains as previously proposed, albeit that in the current scheme the first floor element is set 2m from the party boundary rather than immediately adjacent as was previously proposed. Further, the design of the extension at first floor level sets the extension beneath a continuation of the rear roof slope, which mitigates the bulk and depth of the extension in terms of its visual impact.

The depth of rearward projection of the ground floor extension nearest No. 23 has similarly been reduced. The depth of projection of the first floor element facing No. 23 remains as previously proposed, with the same separation to the boundary. This was previously considered a concern in terms of the visual impact of the extension and Members will wish to carefully consider whether this visual impact would be significantly adverse, such that would warrant the refusal of permission if the scheme is otherwise satisfactory. On balance, taking into account the separation retained between first floor rear projections on either side of the boundary, the modest decrease in visual impact through the deletion of the first floor side extension and the design of the extension being set into the extended roof slope, the visual impact would not be significant.

The concerns expressed regarding the intensity of the use of the site and associated noise and disturbance fall to be carefully considered, framed within the local context in which a number of single dwellinghouses have been converted into flats. It is acknowledged that the proposal would result in an increase intensity of use, with associated increase in comings and goings associated with the prospective occupants of the flats. However, given that flat conversions in the locality are not uncommon, and taking into account the size of the flats, it is not considered that the increased intensity would constitute a strong ground for refusal in this instance. Mitigation measures regarding the relationship between the internal configurations of the flats and the adjoining semi-detached property would be addressed under a separate legislative framework relating to the construction methods during the conversion and are outside of planning control.

On balance it is considered that the proposed development would result in an appreciable increased residential intensity. However, taking into account the pattern of development in the locality and the improvements in the relationship between the extensions and surrounding residential properties, it is considered that taken as a whole, the amendments in this current application adequately address the reasons for refusal of the previous application. The cumulative impact of the modest reduction in the scope of the residential use of the site, taken alongside the reduction in proposed built development, is to result in a development which while more intensive, would not have a significantly adverse impact on either the visual or residential amenities of the area. While the concerns of local residents regarding the impacts of the development have been taken into account and must be a material consideration in the decision, it is considered on balance that the proposal is acceptable.

If Members are minded to grant planning permission it would be appropriate to consider whether the planning condition suggested by the applicant's consultant would more adequately safeguard the parking/landscaping provision than the combined effect of conditions 2 and 5 which were suggested in the original planning officer's report and relate to landscaping and parking respectively.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure a satisfactory means of surface water drainage.

5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

6 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

7 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

8 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential

traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 9** 9. Before the development hereby permitted is first occupied the proposed windows on the north eastern flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall subsequently be permanently retained as such thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 10** 10. The flat roof area of the ground floor extension hereby permitted shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

You are further informed that :

- 1** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 2** Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus considered necessary and practical to help with the formation of the vehicular crossover hereby permitted shall be undertaken at the cost of the applicant.
- 3** 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