

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No : 17/01380/FULL6**

**Ward:  
Cray Valley East**

**Address : 14 Okemore Gardens Orpington BR5  
3PJ**

**OS Grid Ref: E: 547442 N: 168004**

**Applicant : Mr W Brenland**

**Objections : YES**

**Description of Development:**

Part one/two side/rear extension

Key designations:

Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Smoke Control SCA 26

**Proposal**

The application proposes a first floor side extension that would have a maximum width of 6.1m, a maximum depth of 7.6m, an eaves height of 5.1m and a ridge height of 7.5m. The proposal would be sited above a single storey side extension that abuts the boundary and there would be a side space of 1.8m at first floor.

The application site hosts a two storey semi-detached dwelling on the corner of Okemore Gardens, Orpington.

**Consultations**

Nearby owners/occupiers were notified of the application and no representations were received.

**Planning Considerations**

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

BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that submission of the draft Local Plan to the Secretary of State will occur in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 6 Residential Extensions

Draft Policy 8 Side Space

Draft Policy 37 General Design of Development

Supplementary Planning Guidance 1 General Design Guidance

Supplementary Planning Guidance 2 Residential Design Principles

The following London Plan Policies are relevant:

Policy 3.4 Optimising Housing Potential

Policy 5.3 Sustainable design and construction

Policy 6.13 Parking

Policy 7.4 Local character

Policy 7.6 Architecture

The National Planning Policy Framework is also a material planning consideration.

Chapter 7 - Requiring Good Design

Planning History:

90/00520/FUL; Single storey side/rear extension; Permitted; 18.04.1990

16/04660/FULL6; First floor side/rear extension; Refused; 20.12.2016

## **Conclusions**

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

The application seeks to overcome the previous refusal under reference 16/04660/FULL6 which was refused for the following reasons:

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, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

2. The proposed extension, by way of its excessive width and bulk, would result in a dominant and visually intrusive form of development, harmful both to the

appearance of the existing dwelling and over-dominant in the street scene thereby contrary to Policies H8 and BE1 of the Unitary Development Plan.

3. The proposed extension would be detrimental to the amenities enjoyed by the neighbouring occupants by way of loss of privacy and visual impact, thereby contrary to Policy BE1 of the Council's Unitary Development Plan.

Alterations have been made to the scheme to make it more acceptable and they are as follows:

- o Reduction in width to allow for a minimum side space of 1.8m at first floor level, the retention of the ground floor up to the boundary remains.
- o Reduction in width and therefore overall scale of the development has allowed for a general reduction in bulk of the extension
- o Removal of windows from the North-East elevation to protect the amenity of the adjoining property at number 15.

### Design and Bulk

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to (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.

The proposed first floor side/rear extension would result in a significant increase in width and bulk. Given the nature of the site, the proposal would be highly visible from the street scene however given that it has been set in from the boundary at first floor by 1.8m it is considered that the increase in bulk would not be so detrimental as to warrant refusal and it would maintain the character and appearance of both the host dwelling and the street scene

### Side Space

Policy H9 of the Unitary Development Plan (UDP) states that for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building, however, where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space, including corner plots.

In this case H9 of the London Borough of Bromley's Unitary Development Plan (2006) (UDP) is relevant. This policy provides (in part):

"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;"

This policy seeks to ensure "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."

It is noted that, the presence of the term 'normally' in the body of UDP policy H9 strongly implies, a need for discretion in the application of the having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

Accordingly, it is considered that the proposed development would sit acceptably in its visual context without harming the character and appearance of the host property or its surroundings. Accordingly, no material conflict arises with those provisions of UDP policies BE1, H8 & H9 requiring development, including extensions, not to detract from the street scene or adversely impact on local character.

The development at ground floor would remain along the boundary; however the first floor is set in from the boundary by 1.8m and this would reduce any opportunity for unrelated terracing or a cramped appearance within the street scene, it is considered that this distance to the boundary at first floor would be acceptable.

#### Residential Amenity and Impact on Adjoining Properties

The plot is an irregular shape as it is a corner plot, with No.15 located to the north-east at a 90 degree angle. The property currently has a single storey side/rear extension, permitted under planning ref. 90/00520/FUL, which includes a garage, dining room and WC. The proposed first floor side extension will be constructed above this existing ground floor side/rear extension. One window is proposed in the elevations facing the adjoining property, No.13, however this serves an en-suite bathroom and should be obscure glazed by condition to protect the privacy of the adjoining occupiers of No.13; the proposed extension will provide 6.7m to the shared boundary. Therefore it is not considered to impact significantly on the amenities of this adjoining property. With regards to No.15, the proposal no longer includes windows in the north-eastern flank elevation at first floor level and as such it is considered that there would be no impact on the adjoining occupiers of No.15.

#### Summary

Having had regard to the above it was 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 and nor impact detrimentally upon the character of the area and therefore compliant with policy BE1 of the Unitary Development Plan.

Having regard to the relevant provisions of Policies 7.4 and 7.6 of the London Plan 2015, Policies BE1, H8 and H9 of the Unitary Development Plan, 2006, the Council's Supplementary Planning Guidance on General Design Principles and Residential Design Guidance and other material considerations; it is considered that the proposed development would not materially harm the character or appearance of the area, nor would result in a terracing affect or the amenity of the surrounding occupiers.

As such, it is recommended that planning permission should be granted with the conditions set out in this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 17/01380/FULL6 set out in the Planning History section above, excluding exempt information.

## **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      Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**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.**

- 3      The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously 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 visual and residential amenities of the area.**

- 4      Before the development hereby permitted is first occupied the proposed window(s) in the North side elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-**

**opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

**Reason:** In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 5      **The additional accommodation shall be used only by members of the household occupying the dwelling 14 Okemore Gardens and shall not be severed to form a separate self-contained unit.**

**Reason:** In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.