

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/01338/FULL6

**Ward:**  
**Bickley**

**Address :** 17 The Spinneys Bickley Bromley BR1 2NT

**OS Grid Ref:** E: 542641 N: 169557

**Applicant :** Mr A Gould

**Objections : YES**

### **Description of Development:**

Part 1/2 storey side/rear extension.

### **Key designations:**

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 10

### **Proposal**

Planning permission is sought for the construction of a part one/two storey side and rear extension.

At ground floor the proposal includes a conservatory located to the north-western corner of the building and would project 3.5m wide and 5.5m in depth with a pitched roof to a maximum height of 3.5m (eaves 2.4m). The proposed conservatory is connected to the rear extension which enlarges the existing kitchen and projects 4.1m (1.2m beyond the existing rear extension). At first floor level the extension will be above the proposed kitchen extension and project 4.1m and 6.05m to provide an additional bedroom and ensuite. The extension will have a pitched roof gable end to a maximum height of 7.4m (eaves 5.2m) and will have two windows at ground floor level and Juliet balcony at first floor level.

The new extensions will be finished in facing brickwork to match the host building.

### **Location**

The application site is a two storey dwelling hosts a catslide roof profile and side facing dormer window and is of a distinctive 1960s design, forming a group of similar properties within the locality. The dwelling is sited on the northern side of The Spinneys and has off street parking provision within the front amenity space.

The site does not lie within a conservation area and is not a Listed Building. The surrounding area is mainly residential in nature.

### **Consultations**

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

- Concern over the stability of the proposed extension given the property has previously suffered from subsidence and given the garden slopes steeply the

foundations will need to be very deep and could lead to further subsidence and impact on stability of neighbouring properties;

- Loss of privacy from the proposed Juliet balcony to the rear and flank bathroom window at first floor level;
- Loss of light from extensions to bedroom and family room to the rear.

*Please note the above is a summary of objections received and full text is available on the planning file.*

*It should also be noted that issues of subsidence is not a material planning consideration.*

### **Planning Considerations**

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

National Planning Policy Framework (NPPF) (2012)

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 7 - Requiring Good Design

The London Plan (2015):

Policy 7.4      Local Character  
Policy 7.6      Architecture

Unitary Development Plan (2006):

BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space

Other Guidance:

Supplementary Planning Guidance 1 - General Design Principles  
Supplementary Planning Guidance 2 - Residential Design Guidance

Draft Local Plan(2016):

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 the draft Local Plan will be submitted to the Secretary of State in mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The most relevant draft Local Plan policies include:

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

## **Planning History**

Planning permission was granted under ref: 68/1333 for the construction of a single storey extension at rear comprising of a dining room extension and garden room (12/08/68).

## **Conclusions**

It is considered the planning issues and considerations relate to:

- Design and bulk;
- Neighbouring amenity; and
- Mayoral CIL.

### 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 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.

Policy H9 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.

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.

The ground floor element would be located approximately 2.2m from the western boundary with No. 15 and at first floor level 5.9m and approximately 8m from the eastern boundary with No. 19 in compliance with policy H9.

The extensions are considered to be sympathetically designed to complement the host building, the two storey rear extension proposes a pitched roof with gable end and the ridge height lower than the host building and given that views of this element would be restricted to the rear of the property, flexibility can be shown in terms of assessing the design and as such it is considered that the extension would not appear overly bulky or dominant, and would not detract from the character and appearance of area generally.

The conservatory element is similar to other examples within the borough and is of a design complimentary to the form and roof pitch of the host dwelling.

The proposal would be considered to complement the character and appearance of the host dwelling and for these reasons, it is considered that the proposed development is acceptable and complies with policy on design.

#### Neighbouring Amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

The single storey conservatory element is located 7m from the flank elevation of No. 15 and over 2m from the common boundary. The conservatory is to have a pitched roof to a maximum height of 3.5m (eaves 2.4m) and it should be noted that under permitted development a similar sized extension could be constructed. As such given its limited size and dimensions it is considered that it would not result in any significant impact on neighbouring amenity in terms of un-neighbourly sense of enclosure and loss of daylight / sunlight, to the detriment of the neighbouring occupiers.

With regards to the first floor extension this is located to the rear of the existing dwelling and approximately 10m from the flank elevation of No. 15. Concern has been raised from the occupier in terms of loss of light to a bedroom, however there are two windows serving this room (one to the front) and given the distance from the extension behind the existing dwelling on balance it is considered that there would be no significant impact on neighbouring amenity in terms of un-neighbourly sense of enclosure and loss of daylight / sunlight, to the detriment of the neighbouring occupiers.

In terms of the impact to No. 19, concern has been raised over loss of privacy from the proposed Juliet balcony to the rear garden and the flank bathroom window at first floor level. The proposed bathroom window is shown to be obscure glazed and conditions have been suggested in this report to ensure there is no loss of privacy from this window in terms of obscurity and type of opening. In terms of the proposed Juliet balcony, the gardens at Nos. 17 and 19 slope steeply down from the rear of the houses to the end of the gardens, both houses benefit from long gardens at 26m and 36m respectively. There is currently first floor rear windows in this location which could be converted into a Juliet balcony under permitted development, whilst it is appreciated that the window will be 4.1m closer to the end of the rear garden given that the extension will not be introducing any additional views towards the neighbouring garden over and beyond the current situation on balance it is considered that the proposal would not result in any significant loss of privacy to warrant a refusal on this basis,

For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

#### Mayoral Community Infrastructure Levy (CIL):

The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has

arranged boroughs into three charging bands. The rate for Bromley is £35 (plus indexing) per square metre.

The current application is not liable to this requirement.

Summary:

Having had regard to the above, Members are asked to consider if the proposed construction of a part one/two storey rear extension is acceptable as detailed in the report. It is considered that the development has been carefully and sympathetically designed to ensure that the proposal would not result in amenity implications that would harm the quality of life of neighbouring occupiers.

Accordingly, and taking all the above into account, it is recommended that planning permission be granted in line with the conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/02529/FULL1 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 No additional windows shall at any time be inserted in the first floor south-eastern or north-western flank elevations, without the prior approval in writing of the Local Planning Authority.**

**REASON:** In order to comply with Policy 7.6 of the London Plan, 2015 and Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 5** Before the development hereby permitted is first occupied, the proposed window serving the first floor bathroom windows to the south-eastern flank elevation shall be obscure glazed and top-opening only in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

**REASON:** In order to comply with Policy 7.6 of the London Plan, 2015 and Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.