

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

**Application No :** 17/02457/RECON

**Ward:**  
**Bromley Common And**  
**Keston**

**Address :** 51 Forest Drive, Keston BR2 6EE

**OS Grid Ref:** E: 542364 N: 165014

**Applicant :** Mr N Dible

**Objections :** YES

### **Description of Development:**

Variation of Condition 2 of planning permission ref: 16/02135/FULL1 for 'Demolition of existing house and construction of a two storey five bedroom detached dwellinghouse', in order to allow amended drawings to accommodate the construction of two obscure glazed dormer windows in the northern side roof slope.

### **Key designations:**

Conservation Area: Keston Park  
Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Smoke Control SCA 14

### **Proposal**

The application seeks planning permission for the variation of Condition 2 of planning permission ref: 16/02135/FULL1 for 'Demolition of existing house and construction of a two storey five bedroom detached dwellinghouse', in order to allow amended drawings to accommodate the construction of two obscure glazed dormer windows in the northern side roof slope.

The application was deferred by Members from Plans Sub Committee 2 on 17.08.17 to seek clarification as to whether the dormer windows are obscurely glazed and fixed shut below a height of 1.7m from floor level. Members formally agreed that if these standards are met, the application can be dealt with under delegated authority with a recommendation for permission. However, if the standards are not met then the application was to be refused under delegated authority.

The applicant confirmed in writing on 22.09.17 that the dormer windows have been obscured and locked shut and have also been sealed with clear mastic to prevent future opening. It is considered that given the nature of the amendments made, the application should again be reported to Plans Sub Committee for Members to formally consider.

## **Location**

The application site currently contains a large detached dwellinghouse within a large plot on the western side of Forest Drive, Keston. The site lies within the Keston Park Conservation Area which is characterised by substantial, individually designed detached properties within large, open plots with high importance placed on the landscaping of the areas surrounding the properties and roads.

## **Consultations**

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

- o The windows are already installed and are not obscure nor are they fixed
- o Overlooking
- o The windows are sash cord windows with clear glazing
- o The windows should be replaced as Condition 4 of application 16/02135 states

## **Consultee Comments**

The Council's Highways Officer has raised no objection.

The Council's Drainage Officer has raised no objection.

## **Planning Considerations**

### Policy Context

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material

consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

#### London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

#### Unitary Development Plan

- H8 Residential extensions
- BE1 Design of new development
- BE11 Conservation Areas

#### Draft Local Plan

- 6 Residential Extensions
- 37 General Design of Development
- 41 Conservation Areas

#### Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- SPG - Keston Park Conservation Area

### **Planning History**

The most recent planning history can be summarised as follows;

Under ref: 14/02117/FULL6, planning permission was granted for the Increase in roof height to incorporate side and rear dormers and part one/two storey front/side extension.

Most recently, planning permission was granted under ref: 16/02135/FULL1 of the demolition of existing house and construction of a two storey five bedroom detached dwellinghouse.

### **Conclusions**

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

- Design and Scale, including the impact on the Keston Park Conservation Area
- Impact on Neighbouring amenity

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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. In particular Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area. Policy 7.8 of the London Plan states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Policies H8 and BE1 of the UDP and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. Policy BE11 also seeks to ensure that developments within conservation areas will preserve or enhance the character and appearance of the conservation area by respecting or complimenting the layout, scale, form and materials of existing buildings.

Policy BE1 of the UDP also 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

Under ref: 14/02117/FULL6, planning permission was granted for the increase in roof height to incorporate side and rear dormers and part one/two storey front/side extension at the application site. This application for extensions to the property included two small flat roofed dormers in the northern roof slope and two small flat roofed dormers in the southern roof slope.

A subsequent application, under ref: 16/02135/FULL1, was granted for the demolition of the property and the construction of a two storey detached dwellinghouse. This proposed new dwelling had the same footprint and design as the development proposed under ref: 14/02117/FULL6, other than the omission of the two small dormers within the northern side roof slope. However, when the new dwelling was built, the dormers within the northern side roof slope were also constructed.

This application therefore seeks a variation of Condition 2 of planning permission ref: 16/02135/FULL1, which requires "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" to allow amended drawings to accommodate the construction of two obscure glazed dormer windows in the northern side roof slope.

Members may consider that the principle of the acceptability of the dormers has therefore been established given the grant of permission under ref: 14/02117/FULL6. Further to an Officer site visit, it can be seen that the dormers are barely visible from the streetscene and are not considered to be harmful to the wider character of the conservation area. However, given their location within the northern flank roofslope, they do face directly towards the neighbouring property at no. 51. This neighbouring dwelling does also sit further towards the street than the application dwelling and as such the windows would provide an opportunity for direct overlooking. Concerns regarding overlooking and loss of privacy have also been raised by the occupiers of the neighbouring dwelling.

The drawings submitted as part of this application indicate that the windows will be obscure glazed and non-openable below 1.7m. However, an initial visit to the site indicated that only the bottom section of the dormer windows were obscure glazed using a frosted film and the windows had the ability to be opened.

Members deferred the application from Plans Sub Committee on 17.08.17 to seek clarification on the obscurity and opening of the dormer window. A further visit to the property by Officers on 14.09.17 confirmed that the windows within the dormers are fully obscure glazed using a frosted film and have also been locked shut and sealed with clear mastic to prevent future opening. The applicant also confirmed this in writing by email of 22.09.17.

Therefore having regard to the above, Members may consider that the dormers within the northern flank roof slope are acceptable, subject to a condition requiring these windows to be permanently maintained as obscure glazed and fixed shut as stated above. The imposition of a condition on the approval would ensure that the privacy of the neighbouring property is safeguarded for now and for the future and would allow the Council to take action in such circumstances that it was not complied with. The conditions imposed on the previous application ref: 16/02135/FULL1, have also been recommended, taking account of any that have been discharged.

## **RECOMMENDATION: PERMISSION**

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

- 1 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.**

- 2 The materials used for the external surfaces of the building shall be as approved by application ref: 16/02135/CONDIT.**

**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 windows in the first and second floor flank elevations, including the dormer windows hereby permitted within the northern roof slope, shall be remain fixed shut and obscure glazed and shall be permanently maintained as such.**

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

- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

**In order to ensure that the potential impact of any additional development at the site on the amenities of the surrounding residential properties can be properly assessed and in order to comply with Policy BE1 of the Unitary Development Plan.**

- 5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevations of the development hereby permitted, without the prior approval in writing of the Local Planning Authority.**

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

- 6 Parking bays shall measure 2.4m x 5m and there shall be a clear space of 6m in front of each space (or 7.5m if garages are provided) to allow for manoeuvring and these spaces shall be permanently retained as such thereafter.**

**Reason: In order to comply with Appendix II of the Unitary Development Plan and to the interest of pedestrian and vehicular safety.**

- 7 The surface water drainage system and drainage works as approved by application ref: 16/02135/CONDIT, shall be permanently retained.**

**Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan**

**You are further informed that :**

- 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](http://www.bromley.gov.uk/CIL)**
  
- 2 Given the large number of bathrooms/wc's and water using appliances, it is advised that the applicant may wish to consider rainwater and greywater capture, collection , storage and recycling for WC flushing and site irrigation purposes as well as provision of some renewable energy on site.**