

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

**Application No :** 17/02381/FULL1

**Ward:**  
**Chelsfield And Pratts**  
**Bottom**

**Address :** 62 Windsor Drive Orpington BR6 6HD

**OS Grid Ref:** E: 546551 N: 163978

**Applicant :** Mrs S Thomson

**Objections :** YES

### **Description of Development:**

Retention of modular buildings in revised location.

### **Key designations:**

Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Smoke Control SCA 28

### **Report Update**

The application was deferred without prejudice to any future decision at Plans Sub Committee No. 3 on the 31/08/2017 to invite the applicant to put forward design improvements. Amended plans have subsequently been received dated 22/11/2017 and the proposed amendments involve additional screening provided by vegetation along the north east flank boundary.

Additionally the following documents have been received:

- Updated support letter from Bromley Clinical Commissioning Group
- Illustration of proposed alterations and screening of modular building
- Agent's support letter

### **Proposal**

This proposal is for the retention of a single storey rear modular extension to provide two consultation rooms, an office and WC to the doctor's surgery with an enclosed walkway in a revised location. The extension would be rotated through 90 degrees so that it would span the width of the property. The extension would measure between 9.4m and 5.2m in depth including a gap of 0.3m between the main building and it would be 10.2m in width. The roof would be flat with a varied height of between 3.3m and 2.5m as a result of the sloping ground level and proposed stepping down of the ground level of the part of the modular extension.

## Location

The site is situated on the junction with Windsor Drive and Woodside and hosts a detached property which has been converted to a GP surgery from a dwelling. The surrounding area is predominantly residential and is characterised by detached and semi-detached houses.

## Consultations

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

In support:

- Chelsfield Surgery provides NHS medical care to over 8,000 patients and need the extra space to fulfil its commitments to its practice
- is an attempt to reach compromise with Council
- modular building is an asset the GP surgery
- patient numbers continue to increase and the local ageing population continues to grow
- accessible ground floor level rooms is essential
- excellent doctors practice but,
- without the extra to the extension will provide patients will suffer
- national problem with accessing GPs
- will put provisions for 8000 local residents in jeopardy
- urge the authority to consider the affect the loss of provision would make to its constituents and allow the application
- as patients and members of Patient Participation Group for Chelsfield Surgery we support the planning application
- patients since 1981 and have excellent care
- the modular building will help the surgery continue its much valued work in Chelsfield
- surgery has grown in patients an variety of services
- Also a teaching practice and with shortage of doctors
- Essential they have sufficient room to accommodate trainee doctors
- Extensions is accepted by patients and neighbours
- Fulfils an urgent space requirement for a modern practice
- With doctors, admin staff as well as nursing professionals
- Vital to community
- Would fail CQD inspection if not there
- Please regularise this matter
- Fully support application
- Absolute necessity that clinical rooms are kept
- Provides access for disabled patients
- Clinical rooms are in constant use so surgery can provide full service
- Removing them would be devastating and patients will suffer
- Patient of the practice for 50 years
- Grown older and less mobile as many other patients

- Difficult to get upstairs to nurses rooms
- Modular extension provides room for nurses at ground floor  
For practice manager and toilet facilities for many disabled patients
- Government wants practices such as these
- To carry out more work usually done at hospitals not possible without extra rooms
- Care received is excellent
- Have young children one with disabilities and dreads GP surgery being affected
- Building supports better healthcare which is massively under strain
- With new detached properties in rear gardens in Windsor Drive that are too small, cannot see any objections to proposal
- extension or modular buildings are essential
- maintain the high calibre of services available at my GP practice
- especially when NHS is under such pressure from patient demand
- taking away clinical rooms
- patients will suffer not improve
- original building too small for medical and support staff
- health service budget constraints
- proposed extension is only option

In objection:

- owner of this property with no access since 2001
- was not consulted or consented to original construction of portacabins
- unaware of discussion between The Council and current tenants
- Enforcement action ongoing
- strongly object to the new plans
- latest attempt to circumvent planning committee decision
- chairman stated at the time of committee that this was an 'industrial unit in a residential setting'
- situation has not changed
- plan is simply to move position of portacabins
- Never objected to a proper brick built extension passed in 2013
- Meaning issue of space could have been resolved long ago
- Permission has lapsed however I am sure that if the practice re-submitted the plans, the Council would be very sympathetic
- Objection is to the temporary and industrial nature of portacabin
- Not objecting to work of the surgery
- Make the enforcement order a real order
- Please remove the portacabin all together
- It is an industry building in a residential area
- No matter what layout
- court order being ignored and negotiated

No technical Highways objections subject to standard conditions and informatives.

No Environmental Health objections have been raised.

## **Planning Considerations**

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

The London Plan (2015)

Policy 3.2 Improving health and addressing health inequalities  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and Social Care Facilities  
Policy 7.4 Local Character  
Policy 7.6 Architecture

Unitary Development Plan (UDP) (2006)

BE1 Design of New Development  
C1 Community Facilities  
C4 Health Facility  
NE7 Development and Trees

Emerging Local Plan

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 in mid 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 37 - General Design of Development  
Draft Policy 73 Development and Trees  
Draft Policy 20 Community Facilities  
Draft Policy 26 - Health and Wellbeing

Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

National Planning Policy Framework (NPPF) (2012)

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

## Planning History

89/03617 - Permission - Single storey side and rear extensions

99/03577- Permission - Single storey side extension for pram store

Planning permission was granted under ref. 09/02823 for a single storey rear extension for a consultation room. This permission was not implemented and has now expired.

Planning permission was refused under ref. 12/01921 for 2 single storey modular buildings with attached walkway. The refusal grounds were as follows:

*'By reason of its excessive depth and close proximity to residential properties, the development results in a severe impact on the privacy and outlook of neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan.*

*By reason of its overall size and visibility from the public realm, the development is out of character with the residential character of the area and is detrimental to the amenities of surrounding residential properties and the streetscene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.*

The concrete-surfacing laid out to provide car parking as part of the works to provide the modular buildings is unacceptable by reason of its visual impact and lack of information regarding disposal of surface water, contrary to Policy BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan.'

Retrospective planning permission was refused under ref. 11/02841 for two modular buildings with attached walkway to provide 2 additional consulting rooms, office and WC at rear of doctors surgery. The refusal grounds were similar to the previous proposal.

An Enforcement notice was served for the temporary building to the rear of the site in 2011. An appeal was part allowed/part dismissed, the structure being dismissed and the hardstanding allowed.

With regards to the building, the Inspector concluded that the modular building, due to its flat roof and utilitarian appearance and associated structure, would compromise the architectural integrity of the existing building to an unacceptable degree thereby harmful to the character and appearance of the main surgery building and the surrounding area. Retention thereof would thus be contrary to saved UDP Policy BE1, SPG No 1 and the relevant provisions of the NPPF. It was further considered that screening either through vegetation or painting would not be sufficient to soften its appearance and a higher boundary treatment would be likely to appear obtrusive.

Regarding the impact on No. 64, the Inspector considered that 'the modular buildings are dominant, unsightly and obtrusive when viewed from the adjacent garden and detract markedly from the outlook enjoyed by the residential occupiers. The approved extension to the surgery building would be much shorter and would have a far lesser impact.' The existing boundary screen was considered obtrusive

and it was not felt that an alternative boundary treatment could adequately screen the proposal given its height.

Planning permission was granted under ref. 13/02590 for a single storey rear extension to provide one consultancy room. The proposal was the same as a previous permission ref. 09/02823, both of which have not been implemented.

Planning permission was refused and dismissed on appeal under ref. 13/04227 for retention of part of single storey rear extension to provide two consultation rooms. In the appeal decision, the Inspector states:

'I have found that the retention of a reduced size modular building for two consulting rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

'For these reasons I conclude that even at the reduced size now proposed, the modular unit would have an unacceptable effect on the living conditions of the occupiers of No 64 having regard to outlook and privacy. It would therefore conflict with Policy BE1 of the Unitary Development Plan (UDP)<sup>1</sup> which requires development to respect the amenity of occupiers of neighbouring buildings having regard to privacy.'

Planning permission was granted under ref. 14/01127 for retention of part of single storey rear extension to provide one consultation room. This permission was not implemented and has now expired.

## **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.

Update since the application was deferred at Plans Sub Committee No. 3 on the 31/08/2017.

Amended plans have been received dated 22/11/2017 and the proposed amendments involve additional screening provided by vegetation along the north east flank boundary.

The amended proposal would involve an additional layer of screening along the north east flank boundary in addition to the proposed screening provided by trellises and vegetation along the rear wall and part of the north east flank elevation. However, as stated further on in the report, it is not considered that additional screening would be sufficient to mitigate the visual impact of the extension and it would still be out of keeping with the character of the area.

The below elements of the report remain the same as the previous Committee report submitted to the 31st August 2017 Plans Sub Committee.

The site has a lengthy planning history, including several refused applications for two consultancy rooms (latest ref. 13/04227) which had a similar depth of rear projection as the current proposal (proposed depth was 9.1m compared to a total depth of 9.4m currently proposed) and was dismissed on appeal. A smaller single storey extension to provide one consultancy room was granted under refs. 09/02823 and then 13/02490, however this has not been constructed.

Subsequently, planning permission was granted (ref. 14/01127) for the retention of part of the single storey rear extension to provide one consultation room with a proposed depth of 5.5m. The site is also subject to an Enforcement Notice following the failure to comply with the approved plans.

Policy C4 of the UDP supports the improvement of health care facilities and states that they will be permitted provided that they are accessible by public transport or are located within town centres, district centres, local centres or local neighbourhood centres and parades. Paragraph 13.17 acknowledges that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often unsuitable in many existing premises, in particular converted residential properties. It is advised that town centres and local shopping parades are likely to be more suitable and sustainable locations for these facilities, where the impact on residential amenities is minimised and there is good access to public transport.

#### Impact on the character of the area

The existing surgery was converted from a large detached residential property which has previously been extended. In a previous application for the retention of part of the single storey rear extension refused under ref. 13/04227, this scheme had a similar depth to the proposal and the Inspector concluded that although 'the retention of a reduced modular building for two consulting rooms would make a contribution to improving the surgery's facilities (...), this consideration does not outweigh the harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area which would not accord with the development plan.' Therefore, the proposed extension would need to overcome the previous concerns regarding its impact on neighbouring amenities and the character of the area to be considered acceptable.

Following the Inspector's dismissal of the development that currently exists at the site, planning permission has been granted for a smaller development with a depth of rear projection of 5.5m and width of 5.1m. The current proposal involves the rotation of the existing unauthorised modular extension through 90 degrees so that it would have a maximum rearward projection of 9.4m and span for the full width of the existing property with a proposed width of 10.2m.

In 2013, planning permission was refused for the retention of part of the existing single storey rear extension with a depth of 9.1m and width of 5.1m (ref. 13/04227). The proposal would have a similar depth to the previously refused scheme and would have an increased site coverage as it would have a greater width, spanning

the full width of the host building. In light of the Inspector's comments in the appeal decision for a similar proposal, it is considered that the proposed relocation of the single storey extension would raise similar concerns which have already been found to be unacceptable. It would have a utilitarian design and given its scale and siting, it would appear at odds with the architectural design of the building, the surrounding residential development and would be prominent from public areas.

The proposal would have a width which is double the size of the previously refused scheme which involved a similar depth from the western part of the rear elevation (13/04227), the width would be increased from 5.1m to 10.2m and would be built much closer to the side boundary fronting Woodside. It would appear conspicuous as a result of its utilitarian design and bulk in close proximity with the boundary along Woodside which would increase its visibility from the public parts of Woodside and Windsor Drive. It would therefore appear even more prominent from the public parts of the road which would worsen its impact on the character of the area than the most recently refused scheme. Given the above, it is considered that the development having a maximum 9.4m rear projection and significant width which is greater than that already refused, would impact harmfully on the character of the area and the visual amenities of the street scene.

It is proposed that screening would be provided by trellises and vegetation along the rear wall and part of the north east flank elevation however the Inspector considered that additional landscaping or planting would not soften the appearance of the extension sufficiently and that the timber screen would be excessively high and obtrusive and compound rather than reduce the harm caused by the main structure. Given the Inspector's view, it is not considered that the proposed screening would be sufficient to mitigate the visual impact of the extension and it would still be out of keeping with the character of the area.

#### Impact on residential amenity

The Inspector found that the current development at the site would harm the privacy and outlook from the neighbouring residential property. The proposal would continue to have a significant rearward projection, significant height of the flat roof, despite it being stepped down from the existing raised level (it is currently raised by 0.5m to 1.1m from ground level) and that it would project excessively to the rear into the view of No. 64 at a slightly larger depth than the refused scheme (13/04227). The site coverage and rear depth of the development would therefore provide a visual impact to No. 64 that would be harmful to the visual amenities currently enjoyed by the occupants of this neighbouring dwelling.

The proposed relocation of the extension would have a similar height and depth along the common boundary than the previously refused scheme (13/04227) and would have a similar separation to the shared boundary with No. 64 with a proposed gap of 1.8m. It would have a reduced height from the refused proposal for some of its length with a reduction from a maximum height of 3.5m to 2.8m. The existing screening would be removed from along the side boundary, however this was not considered adequate to prevent a loss of amenity and also was considered to have a harmful visual impact to No. 64. However the reduction in height is not considered to overcome the concerns resulting from the considerable

length of the extension along the boundary, in addition to the existing extensions to the property. The Inspector found that the reduced length of the extension (9.1m) and screening would still result in a significant visual intrusion into the garden of No. 64. Consequently, its proposed location, reduced height and separation to the boundary would not overcome the previous issues raised as it would have a similar depth (it would in fact be increased by 0.3m) projecting much further to the rear than No. 64 and would continue to result in a significant visual intrusion and have a harmful impact on the visual amenities of this neighbouring dwelling.

It is stated in the supporting statement that the current proposal would provide a separation of just under 3m from the flank of the extension to the shared boundary with No. 64. However, as scaled from the proposed ground floor plan the separation between the modular extension and the shared boundary would be less than 2m (proposed gap being between 1.7m and 1.8m) for most of its depth (8.1m) which is similar to that already refused. There is a small section between the main property and the main flank wall of the modular extension which would have a gap of over 3m however this is a very small section of the extension (1.2m deep) compared to its overall depth of 9.4m. Furthermore, this is similar to the previously refused scheme which also had a narrower section between the main part of the modular extension and main property. Therefore, the concerns relating to the considerable depth and harmful visual impact to No. 64 as stated in the above paragraph would still be a concern.

#### Other considerations

The agent in their supporting statements have provided justification for the development which they consider would outweigh the harm as outlined in the preceding paragraphs. It is also appreciated that the surgery seeks to provide an improved level of care and service to its patients and this proposal is supported by a number of local residents particularly with regard to the needs of those with restricted mobility, the Patients Participation Group and the Bromley Clinical Commissioning Group. Furthermore and in accordance with Policies C1 and C4 the Council seeks to support community facilities in the Borough.

It is stated in the justification provided by the agent that the two consultation rooms in the extension support the surgery to provide a wider range of services including primary and community care services with some specialist services and in some cases it would prevent patients having to go to a hospital where these services would usually be provided. It is noted that the supporting analysis of 'Primary and community care, staff and public areas report' submitted with the application identifies that a total of 9 consultation and treatment rooms are required for the GP surgery based on the number of registered patients and calculations provided in the Department of Health Guidance - Health Building Note 11-01. It is also noted that the modular extension provides two consultation rooms to provide a total of 9 consultation and nurse rooms in the extension and main building.

It is further stated in the supporting information for the application that the need and crucial contribution that the extension provides would offset the harm of the extension on the character of the area, the host property and amenity of local

residents. As well as there being a lack of other NHS properties in the local area which are accessible by public transport.

A similar justification for the development, including the need for the additional consultation rooms, the benefits it would provide for local residents and health care provision in the area has been considered in a previously refused application which was dismissed at appeal.

The appeal Inspector in their decision for application ref. 12/01921 stated that 'I appreciate that many patients at the surgery support its expansion and the provision of beneficial services, some of which could mean longer journeys to alternative facilities could be avoided. In addition, I recognise the support of the health authority, who confirm that the accommodation would provide space and facilities for GP trainees. However, this support does not outweigh or negate my concerns regarding the impact of the scheme on the character of the area or its impact on the immediate neighbours.' In light of the Inspector's comments, it is not considered that the proposal this justification would outweigh the harm which would result to the adjoining neighbouring property and on the character of the area, given the similarity of the proposal with previously refused schemes and compounded harm from the additional width of the proposal.

Previous applications for smaller extension have been granted which would provide at least one additional consultation room. It is considered that the previous Inspector's comments in the appeal on the enforcement notice in 2011 remain relevant, which stated that 'it is readily apparent that additional floorspace sufficient to meet the surgery's stated requirements could, if justified, be provided by less harmful means. This being so, I do not consider that a need for these facilities is sufficient to outweigh the harm arising from them has been demonstrated.' Given the above, it is considered that the justification provided would not outweigh the harm that would result from the proposal and the substantial level of harm could not be offset by a planning condition restricting its use.

It is acknowledged that this proposal involved a larger rear extension with a depth of 11m. However, in a subsequent refused scheme which was dismissed at appeal, similar conclusions were made by the appeal Inspector for the retention of the modular building with a smaller footprint than the current proposal but with a similar depth of rear projection (9.1m). In this appeal decision, the Inspector stated 'I have found that the retention of a reduced size modular building for two consulting rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area and which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

It is also stated by the agent in their statement that the public and staff areas at Chelsfield Surgery is close in floor area to the example of a primary care centre provided by the Department of Health. However, under Policy C4 Paragraph 13.17 it is acknowledged that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often

unsuitable in many existing premises, in particular converted residential properties where some extensions can have a detrimental impact on the amenities of adjoining neighbouring residents such as the proposed development.

Given that the proposed stepped level of the extension would result in the two consultation rooms in the extension not having step free access from the main surgery which would restrict their accessibility, this would lessen the weight of the justification for the extension to provide accessible consultation rooms.

It is not considered that the information submitted has resulted in a significant change from previous information which has been provided in support of the application which would now justify taking a different decision from the previously refused schemes. In particular, as it would have a much greater width than the most recently refused application and therefore its harm on the character of the area would be exacerbated by the current proposal.

Additionally, the modular building and two additional consultations rooms is an unauthorised structure without the benefit of planning permission and therefore the loss of this part of the healthcare facility would not considered to be contrary to Policies C1 and C4 and this limits the weight of this justification for the development.

#### Summary

Given the above it is considered that the siting, size and design of the proposed extension is unacceptable in that it would result in a significant loss of amenity to local residents and would impact detrimentally on the character of the area.

#### **RECOMMENDATION: APPLICATION BE REFUSED as amended by documents received on 31.08.2017**

#### The reasons for refusal are:

- 1 The proposal, by reason of its excessive rear projection, design and close proximity to the neighbouring residential property, would result in a detrimental impact on the amenities of that property, by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.**
- 2 The proposed development, by reason of its overall size, design and visibility from the public realm, would be out of character with the surrounding residential area and would be detrimental to the amenities of surrounding residential properties and the street scene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.**