

SECTION '2' – Applications meriting special consideration

Application No : 17/05620/FULL6

Ward:
Bromley Town

Address : 2 Heron Court Bromley BR2 9LR

OS Grid Ref: E: 541325 N: 168005

Applicant : Mr Ollie Hannifan

Objections : YES

Description of Development:

Conversion of roof space to form habitable accommodation including rear dormer extension, single storey rear extension and two storey side extension

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 19

Proposal

Planning permission is sought for the erection of a two storey side and single storey rear extension to the host end of terrace dwelling.

The proposed two storey side extension would be set back from the main front elevation by approx. 1m and would include a dual pitched roof with a gable end, with the ridge height of the roof being lower than the main ridge line of the host dwelling. The roof slopes at front and rear of the extension roof would be set at a less acute angle than the host roof.

Windows are proposed at ground and first floor level. At ground floor level large sliding doors are proposed to be provided which would open onto the side gardens. At first floor level the proposed window would be a secondary window to a large bedroom.

The proposed extension would be 4.6m wide and the side space towards the front of the extension would be approx. 9.7m and to the rear and approx. 9m (to account for the tapering width of the site).

At the rear a single storey extension is proposed which would incorporate a mono pitch roof which would have eaves slightly overhanging the flank elevation of the proposed two storey side extension. The extension would be approx. 3.2m deep and would be sited 0.4m from the flank boundary with No. 4. It would incorporate a monopitch roof.

The resultant dwelling would be a three bedroom house, with a bedroom and additional living space provided in the extension and the existing first floor reconfigured to provide one bedroom rather than the 2 as existing, and an additional bedroom provided within the roof space.

The submitted drawings include reference to the roof extension granted a lawful development certificate under reference 17/04152/PLUD. If that LDC development was to be implemented, the resultant dwelling would provide a total of three bedrooms.

Location and Key Constraints

The host site lies on the corner of Heron Court and Bromley Common (A21). Heron Court is a small estate development comprising a mix of terraced dwelling houses lying opposite a three-storey block of residential flats. The flatted block lies parallel with the main road adjacent, while the terraced row lies at a right angle to the A21. The flank elevation of the end (host) dwelling faces the main road.

The site is currently occupied by an end of terrace dwelling with a generous side space separating the flank gable wall of the dwelling from the adjacent A21 main road. The south-western boundary of the site contains a cypress hedge and several mature trees.

The immediately surrounding area is characterised by residential development of a mixed design, scale and appearance. The post-war estate of Heron Court lies between older single residential dwellings fronting Bromley Common. Opposite the site are substantial semi-detached inter-war dwellings. To the south east of the appeal site is a pair of modest semi-detached dwellings, beyond which lie 69 and 71 Bromley Common, a pair of Grade II Listed dwellings dating from the 1850s. The retail store Topps Tiles was recently erected on the site of a vacant public house, The Five Bells, and the front elevation of the new building on that site follows the front building line of the former public house, the listed dwellings and Nos. 63 and 65 Bromley Common.

The existing dwelling incorporates a ground floor music room (formerly the integral garage) with a living room and separate kitchen. At first floor level 2 bedrooms are provided and the Lawful Development Certificate granted under reference 17/04152 proposed an additional bedroom in the roofspace to result in a three bedroom dwelling.

Comments from Local Residents and Groups

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

Objections

- Planning history - previous applications have been refused and the proposal raises very much the same issues albeit with the removal of the hipped roof/dormers.
- Whilst a little smaller than the previous application it would involve an increase in the GIA from 109m² to 226m² the proposal will project markedly beyond the building line, the importance of which was established at appeal
- Would appear incongruous and overdominant as well as disproportionate to the host dwelling
- Parking is limited in the road and residents cannot always park. Extending the property would result in more cars which would result in less on-street parking.

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:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. 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
- H9 Side space
- T3 Parking
- T18 Road safety
- BE1 Design of new development
- BE8 Statutory listed buildings

Draft Local Plan

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 38 Statutory Listed Buildings

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

The relevant planning history relating to the application site is summarised as follows

14/02748/FULL1

Erection of an attached two storey dwelling with rear dormer.

REFUSED

Planning permission was refused on the grounds:

"The proposed development would result in the unacceptable sub-division of the existing plot resulting in a cramped overdevelopment of the site and harmful to the appearance of the street scene and detrimental to the visual amenity of the surrounding area, contrary to Policies BE1, H7 and H9 of the Unitary Development Plan."

A subsequent appeal against the refusal of planning permission was DISMISSED.

The appeal Inspector considered that the main issue was the effect of the development on the character and appearance of the surrounding area. The

Inspector found that the small rear dormer proposed to the new dwelling would not harm the character and appearance of the area, taking into account the existing dormer at No. 4. The Inspector found that the proposed dwelling would be of a similar design, scale and proportion to others in the terrace and would retain approx. 8m separation to the side boundary while being broadly in line with Nos. 1-53. However it was noted that the proposed development would project noticeably beyond the building line south east of Heron Court. The development of the side garden at No. 2 would have eroded the spacious character of the area. The Inspector referred to SPG2 which notes that the loss of a substantial part of a side garden is likely to be harmful to the setting of the building. The Inspector assessed that the side garden contributed to the open character retained in longer views from either direction along Bromley Common.

It was also noted that looking south east from the appeal site the front facades of the nearby Grade II listed houses at Nos. 69-71 and the spire of St. Luke's Church are visible beyond the side garden of No. 2. It was considered "the erosion of this open character is a further indicator of the cramped nature of the development, and would add to the harm already identified."

The Inspector considered, notwithstanding these reservations, that the proposal would not have had a detrimental impact on the residential amenities of neighbouring properties and would have preserved the setting of the pair of Grade II listed villas at Nos. 69-71 Bromley Common.

17/02144/FULL6

Conversion of roof space to form habitable accommodation including side dormer extension, single storey rear extension and two storey side extension

REFUSED

Planning permission was refused on the grounds:

"The proposal by reason of its scale, siting and design would have a detrimental impact on the appearance of the host dwelling, the street scene and the visual amenity of the surrounding area contrary to Policies BE1, H8 and H9 of the Unitary Development Plan, Policies 7.4 and 7.6 of the London Plan and the requirements of the National Planning Policy Framework."

17/04152/PLUD

Rear dormer extension. Lawful Development Certificate

GRANTED

Considerations

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

- Resubmission
- Design

- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

Resubmission

This application seeks to overcome the grounds for refusal of application 17/02144/FULL6 which related to the scale, siting and design of the development and the impact of the proposal on the appearance of the host dwelling, the street scene and the visual amenities of the locality.

The principal differences between the current scheme and that previously refused planning permission under reference 17/02144/FULL6 are summarised:

- The width of the extension has been reduced by approx. 0.4m
- The roof design of the proposed extension has been amended, with the gable end currently proposed replacing the previous hipped roof with triangular side dormer
- The dormer currently proposed would be limited to the width of the host dwelling as currently existing, rather than extending over the two storey side extension

In terms of the relationship between the current application and the scheme dismissed at appeal, the current proposal provides approx. 9.2m space to the side boundary with Bromley Common (A21) where the dismissed scheme was noted by the Inspector to provide approx. 8m separation. The current application is also a householder extension application rather than an application for a separate self-contained dwelling. The scheme dismissed at appeal also proposed a replication of the built form of the existing dwelling, including the roof slopes and ridge height.

Design

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.

It is noted that the proposed extension to the side has been reduced in width by approx. 0.4m in comparison with the most recent refusal of permission, and approx. 2.2m narrower than the scheme for a separate dwelling dismissed at appeal. However the bulk of the roof has increased through the provision of a gable end. In some respects this design is more satisfactory, in terms of compatibility with the existing roof design and in presenting a 'cleaner' and more streamlined roof design. However the bulk of the extension has increased at roof

level, and the asymmetry of the roof slopes of the proposed extension in relation to the existing roof would be somewhat jarring.

The extension would still be clearly visible from public vantage points, to vehicles proceeding along Bromley Common and from the public footway. In assessing the application under 14/02748/FULL1 proposal the Inspector appraised the relationship between the host dwelling and the building line, noting that the proposed dwelling would have projected noticeably beyond the building line south east of Heron Court. The consistency of the building line, with development set well back from the street, was considered to contribute to the character of the area and the impression of openness and space between built development and the busy adjacent road, with the Inspector stating:

"I agree with the Council that, whilst there are some exceptions, most properties fronting this section of Bromley Common are set well back from the road, providing for a spacious character. Moreover, although there are trees and shrubs along the front boundary of the appeal site, given the size of the existing side garden of No. 2, an open character is still retained in longer views from either direction along Bromley Common."

The supporting statement submitted with the application emphasises that the flank elevation of the extension would be set back from the front elevation of the flatted block at Heron Court relative to the adjacent A21. This is noted, but in assessing the previous application and the appeal Inspector's determination, greater weight was placed on the relationship between the development and the building line to the south east. It is considered that it is this building line and built development that the application site most clearly relates to in visual and physical terms, given the proximity of the host site to these buildings and position within the same 'block' between the junctions of Heron Court and Southlands Road with Bromley Common.

The Inspector stated:

"looking south east from the appeal site, the front facades of the nearby Grade II listed Nos 69-71 and the spire of St Luke's Church can be seen beyond the side garden of No. 2. The erosion of this open character is a further indicator of the cramped nature of the development, and would add to the harm already identified."

In the report into the application refused under reference 17/02144/FULL6 it was noted that the proposal would significantly enlarge the host dwelling, with the extensions appearing out of scale with the host dwelling and resulting in the extended dwelling appearing disproportionate in the context of the modest terrace. The appearance of the resultant dwelling was considered to be uncharacteristic of the uniform rhythm of dwellings in the terrace, undermining the appearance of the host dwelling and the street scene.

While direct replication of the existing townscape may not be necessary where a development is sustainable and demonstrates good design, as stated above, it was not considered that the design of the development and its bulk and scale in relation

to the host dwelling was sympathetic to the site and surroundings and would have demonstrated good design.

While narrower than the previous proposal by approx. 0.4m the proposal would nevertheless erode the open character contributed to by the host dwelling's generously wide side garden, and this would be detrimental to the wider visual amenities and character of the area. It is acknowledged that if the measurements of the development and the separation to the front boundary were viewed in isolation the space retained to the boundary may be considered generous, as was the separation proposed in the previous applications. However the development falls to be considered not in isolation but in the context of the specific, individual site and surroundings. Each case is considered on its merits and in relation to the prevailing pattern and distinctiveness of the locality. In the case of this specific application site, the generosity of space retained to the Bromley Common boundary has been found to play an important role in the spaciousness of the area and where proposals would undermine that characteristic and contributory role the impact of the proposed development on visual amenity falls to be carefully considered.

On balance, it is considered that the proposal would undermine the visual amenity and distinctive quality of the street scene. The limited reduction in the width of the extension and the amendments to the roof design are not on balance considered sufficient to overcome the continued concern that in the context of the position of the site and the relationship with the building line to the south east, the proposal would appear jarring, over-prominent and detrimental to the open character of the area and the setting of the host dwelling.

It is considered that the proposed side extension would appear incongruous in the context of the host terrace, appearing as a jarring feature in the context of the quite uniform and consistent design and appearance of the host terrace.

Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

It is considered that the proposed development would not harm the setting of the Listed Buildings, taking into account the determination of the planning Inspector in respect of this issue.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

It is acknowledged that concern has been expressed regarding the impact of this proposal on on-street parking demand. However, the proposed development would result in the host dwelling comprising a three bedroom dwelling (including the roof space room) and the existing dwelling is at present a two bedroom dwelling (with capacity to extend under permitted development to a three bedroom dwelling). The proposal relates to a residential extension rather than the erection of a separate dwellinghouse. It is noted that when planning permission was refused for the separate dwelling, the refusal grounds did not relate to highways matters. It is not therefore considered that the proposal would have an inherently greater impact on existing/future parking demand than the existing/permitted development dwelling.

Neighbouring amenity

Policy BE1 of the UDP 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.

Taking account of the relationship between the proposed single storey rear extension and that existing at No. 4 and the separation between the two storey side extension and the rear boundary with No. 63 Bromley Common, it is not considered that the proposal would result in a significant loss of amenity with particular regard to light, outlook, prospect and privacy.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is unacceptable as it would impact detrimentally on the character of the area

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposal by reason of its scale, siting and design would have a detrimental impact on the appearance of the host dwelling, the street scene and the visual amenity of the surrounding area contrary to Policies BE1, H8 and H9 of the Unitary Development Plan, Policies 37 and 6 of the Draft Local Plan, Policies 7.4 and 7.6 of the London Plan, Supplementary Planning Guidance and the requirements of the National Planning Policy Framework.**