

SECTION '2' – Applications meriting special consideration

Application No : 17/02430/FULL1

Ward:
Plaistow And Sundridge

Address : 132 Burnt Ash Lane Bromley BR1 5AF

OS Grid Ref: E: 540516 N: 170909

Applicant : Mr D Anderson

Objections : YES

Description of Development:

Change of use of the ground floor to Class D1(Veterinary surgery) and erection of a first/second floor rear extension to provide enlarged residential flat for veterinary surgeon working at the practice.

Key designations:

Biggin Hill Safeguarding Area
Green Chain
London City Airport Safeguarding
Metropolitan Open Land
Smoke Control SCA 7

Proposal

Update

This application was deferred without prejudice by Members of the Plans Sub Committee 1 held on the 28th September 2017, in order for the applicant to consider reducing the size of the extension and to ensure that materials would match the host building.

The applicant has submitted revised plans showing showing the lowering of the ridge height of the extension as well as the introduction of a staggered rear ridgeline. The rear window to the second floor of the west wing has been deleted, leaving a single window at first floor level.

A cover letter submitted with the plans is summarised:

The bulk of the extension has been reduced and the ridge height of the rear extension is now 0.9m below that of the original main roof. In addition the extension roof is referred to as dropping down a further 0.85m over the rear part. Changes in height are now gradual. The proposed materials to be used in the extension are already in evidence in the east wing. It would not be possible to use natural timber cladding because of building regulations regarding fire. It would be impractical to mimic the stone window components of the main part. The proposal provides less residential accommodation to that which previously existed in this

abandoned mixed use property. It should be noted that the LBB expected the gatehouse to be developed into flats and the cover letter suggests that it may have been intended to demolish the adjacent library in order that the entire site could be developed.

The contents of the original report are repeated below, suitably amended.

Proposal

Planning permission is sought for:

- Change of use of the ground floor of the gatehouse to Class D1 veterinary surgery
- First and second floor rear extension to provide reconfigured flat on first and second floors
- Parking area in front of the building.

The proposal comprises the erection of a first/second floor extension in place of the existing west wing catslide roof which would be set under a pitched roof of commensurate height with the main building, with roofs sloping down on either side of the ridgeline. The total depth of the resultant three storey element would be approx. 10.5m measured from the rear eaves of the existing building. The rear extension would incorporate first and second floor flank and rear facing windows. It would align with the existing flank elevations of the building below, as a consequence of which the extension would lie immediately adjacent to the western flank boundary with No. 130 Burnt Ash Lane. No windows are proposed to face the neighbouring property.

The resultant first and second floor would comprise an enlarged and reconfigured residential unit associated with the veterinary practice it is proposed to site within the east and west wings at ground floor level.

The applicant has confirmed in writing that should planning permission be granted they would agree to the use of a condition tying the residential accommodation to the Class D1 use, as well as referring to the previous dilapidation of the building which was formerly owned/maintained by the Council. It is stated that the building was purchased by tender from the Council and that there was a reasonable expectation that the future owners of the building would extend the property at the rear to increase the amount of usable space. It is noted in the Design and Access statement that the Council's expectation prior to the sale was that the building would be converted into two or more flats.

Location and Key Constraints

The host building is an attractive locally listed building which due to its height, setting and materials forms a fairly prominent feature in the street scene. The building straddles the access road leading to Plaistow Cemetery. The entry on the local list describes the building: "Gatehouse to cemetery. Victorian gothic building in ragstone. W R. Mallett. 1892."

The building was formerly used to provide a cemetery office and public lavatories on the ground floor and private accommodation for the Cemetery Superintendent. The site lies on the southern side of Burnt Ash Lane which is a London Distributor Road. The host building is sited set back from the main highway, but forward of the front elevations of the neighbouring residential dwellings at Nos. 124 - 130 Burnt Ash Lane which comprise Victorian terraced houses (with No. 130 lying adjacent to the application site). To the east of the application site is the library.

The host building is U-shaped, with the forward central part straddling the roadway leading to the cemetery and two wings projecting to the south. The front and rear elevations of the building are ornately detailed with arched windows at ground and first floor and a central front projecting gable feature with first floor oriel feature above the cemetery access. At the rear the wings are asymmetric. The western wing comprises a shallow two storey element with a rear facing arched first floor window and a single storey rear projection beyond, which projects approx. 11m beyond the main frontage section to the rear of the site. The west wing incorporates an existing catslide roof which sweeps down to join the two storey gable projection which has a decorative ridge perpendicular to the central element of the building. This two storey projection is one room deep and incorporates an ornate rear facing window. The eastern wing is single storey only.

In terms of its internal layout, the existing building provides an office and public toilets in the east wing at ground floor level and residential accommodation arranged over the ground and first floors of the west wing and central element.

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

- The proposal is an overdevelopment
- The plans inaccurately show the original layout of the ground floor
- The rear bedroom window at the neighbouring dwelling is only 0.90m from a new wall which will be 2 storeys higher than present and over 3m longer
- The extensions will appear as an eyesore from the park area and the neighbouring terrace of houses
- Concern regarding the structural strength of the existing walls to take the load of additional floors
- The driveway beyond the gatehouse is being used as an exercise yard and this does not respect that the land beyond is a cemetery. The neighbouring park should be used instead.
- The use has started without planning permission
- Hilldrop Road is already very busy for parking and is now being used by people attending the surgery

Support

- The siting of the surgery is very convenient and there is ample parking in the locality, with the surgery making this clear
- The use benefits the local community
- The extension would provide accommodation for a vet
- The parking provision is better than the previous surgery and will attract visitors to local shops

Comments from Consultees

Highways (summarised): From a technical highways perspective a swept path analysis/amended parking details were requested and these have been submitted. However it was also requested that the applicant carry out a road safety audit (Stage 1 and Stage 2) and that this would not be capable of being dealt with by way of condition. The applicant has submitted a response to the highways comments and this is detailed in greater depth in the Conclusions section of this report.

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 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 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.

London Plan Policies

Policy 7.8 - Heritage Assets and Archaeology
Policy 7.6 - Architecture
Policy 7.4 - Local Character

Unitary Development Plan

BE1 Design of New Development
BE10 Locally Listed Buildings
H8 Residential Extensions
C1 Community Facilities
T3 Parking
T18 Road Safety

Emerging Local Plan

Policy 6 Housing Design
Policy 37 General Design of Development
Policy 30 Parking
Policy 32 Road Safety
Policy 39 Locally Listed Buildings
Policy 20 Community Facilities

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:

Under reference 16/04359 planning permission was refused for a development which was substantially similar to that currently proposed on the grounds:

1. The proposed extension, by reason of its size and design would be detrimental to the appearance of this building which is included in the Council's list of buildings of local historic or architectural interest and to the visual amenities of the area in general thereby contrary to Policy BE10 and Policy BE1 of the Unitary Development Plan.
2. The proposed extension by reason of its height and depth in proximity to the boundary would have a detrimental impact on the residential amenities that the occupiers of the neighbouring dwelling might reasonably expect to continue to

enjoy, resulting in unacceptable loss of light and outlook and undue visual impact, thereby contrary to Policy BE1 of the Unitary Development Plan.

Considerations

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the appearance and character of the host building and the impact upon the amenities of the occupants of surrounding residential properties. The extent to which adequate parking to service the proposed use would be provided falls to be carefully considered, as do the road safety implications of the proposal as well as the loss of the community facility previously provided within the building.

The applicant has submitted revised plans and a covering letter following the deferral of the application.

Use as a veterinary surgery

It is considered that the use of the premises as proposed would not result in an unacceptable loss of a community facility in view of the existing vacancy of the premises and the relationship between the building and the cemetery which it used to serve. The property formerly provided ancillary residential accommodation for the Cemetery Superintendent, along with an office and toilets associated with the operation and management of the cemetery. It is evident from the sale of the premises and the current lack of occupation that the need for this facility no longer exists. While the cemetery remains open to visitors, it is no longer used for burials and as a consequence the loss of the use of the building in association with the management and maintenance of the cemetery is difficult to resist.

The use of the property as proposed, as a veterinary surgery on the ground floor and residential flat ancillary to the veterinary surgery, would provide a service within the locality and would allow the re-use of the existing building.

Impact on the visual amenities of the area

The proposed extension would be sited at the rear of the building which would limit the extent to which the proposals would be appreciable from the front of the site and from Burnt Ash Lane. However, the building lies adjacent to a large open space and above the vehicular and pedestrian access to the cemetery. The aspect from the rear to the building is open and unobstructed, as a consequence of which the proposed extension would be clearly appreciable from outside the site and from the public realm. The rear elevation of the locally listed building is attractive and distinctive.

The host building is locally listed and it is appropriate to ensure that proposals to extend such buildings are sympathetic to the character, appearance and special character of the buildings. While in principle an extension to the building may be acceptable, it is important to ensure that development relating to locally listed buildings would not be unsympathetic to the appearance and character of the building.

The application as originally submitted included a design and access statement which referred to the attempt made to overcome the previous ground of refusal, stating that the height of the extension has been reduced by 0.2m and the first and second floor reduced in depth by 0.8m. The statement referred to the rear of the building being screened from the adjacent public open space by evergreen trees. The amendments to the application have further reduced the height of the extension while retaining the depth as initially proposed. The ridgeline to the section of the extension adjacent to the host building has been reduced in height relative to the main ridgeline from 0.2m to 0.9m. The ridgeline then steps down towards the rear by a further 0.7m.

A further amendment is that in the rear elevation of the building rather than two rear facing windows being provided above each other, lending a three storey appearance, the revised plans provide a single rear facing window.

It is acknowledged that the revised submission further reduces the height of the extension and that that depth of the extension would be less than that which was refused planning permission under reference 16/04359. It falls to be assessed whether these amendments are considered adequate to overcome the previous ground for refusal 1 which related to the impact of the proposal on the host building and the visual amenities of the area. Members will recall that in deferring the determination of the application at the meeting held on 28th September 2017, reference was made to the materials to be used in the extension, to ensure that the materials would match the host building. In respect of this matter, the applicant has advised "all the proposed materials to be used in the extension are already in use in the east wing" but that it would be impractical to mimic the stone windows of the host building so as to allow the provision of metal windows within the extension. If planning permission is granted a condition requiring the submission and approval of materials would be appropriate.

The most recent submission has reduced the height of the extension, and the depth of the extension is less than that which was refused planning permission under reference 16/04359. On balance it is considered that the amendments to the scheme, while modest, result in the visual impact and bulk of the extension being reduced to a satisfactory degree. The staggering of the heights of the rear development, stepping down from the main ridge to the extension ridge, the rear extension ridge and the lower east wing, would provide a satisfactory design response to the separate elements of the rear elevation. The deletion of the second floor rear window also improves the appearance of the extension from the rear, reducing the visual impact and bulk of the extension related to its three storey height.

Impact on the residential amenities of the area

With regards to the impact of the proposal on residential amenity, the concerns expressed regarding the structural integrity of the host building and the increased loading upon existing walls are noted, these are matters that would be dealt with under the Building Regulations.

The neighbouring property at No. 130 incorporates an original two storey rear projection as a result of which the rear facing window nearest to the boundary is inset. The proposed two/three storey extension would be sited immediately adjacent to the boundary and would project by approx. 1.8m beyond the nearest part of the rear elevation of No. 130, taking into account that the existing rear elevation of that property projects significantly to the rear of the host building at present. The submitted design and access statement refers to this depth as being less than the rearward projection of the neighbouring dwelling's two storey projection adjacent to the other boundary.

The application is accompanied by a Daylight, Sunlight and Overshadowing Report which states that the daylight and sunlight to the first floor rear facing window at the neighbouring property would meet the BRE guidance. Members will note that the second reason for refusal of the previous application referred to impact on residential amenity by way of loss of light and outlook and undue visual impact. It falls to consider whether if the findings of the commissioned report in terms of the impact on a first floor window at the neighbouring dwelling are accurate, the amendments to the scheme in terms of the reduction in the rearward projection would overcome the concerns expressed regarding the loss of outlook and the visual impact of the proposed extension.

It is noted that the neighbouring dwelling is a two storey end of terrace dwelling which has at ground floor level a single storey rear extension which wraps around the two storey rear projection at that house. As such the visual impact of the proposed extension would be mitigated in view of the main rear amenity space of the neighbouring dwelling being positioned deeper into the site, and that impact that would exist relates to the outlook from the first floor rear facing window. On balance, in view of the reduction in the depth of the rear extension, the siting of the buildings in relation to each other and the layout of the neighbouring site, it is not considered that the visual impact and loss of outlook resulting from the extension would be so adverse as to warrant the refusal of planning permission on this ground.

Impact on highways/parking

The applicant has submitted a Swept Path Analysis for the proposed parking spaces in front of the building. The parking/access arrangements are substantially similar to those included in the previous application. It is noted that the previous scheme was not refused on highways grounds, and as such it is not considered that the refusal of planning permission on highways grounds would be reasonable in this instance. The applicant has submitted a statement expressing concern at the request to provide a Road Safety Audit prior to the determination of the application and Members are advised that it is not reasonable to require a Road Safety Audit by way of condition. If planning permission is granted then it would be appropriate to impose a planning condition on the permission to ensure that the parking provided on the site is provided in accordance with the submitted details.

Conclusion

Members may consider that the proposal, on balance, has addressed the reasons for deferral as well as ground 1 of the refusal under 16/04359. It is noted that the applicant has provided within this application more information in the form of a Daylight, Sunlight and Overshadowing analysis and on balance, Members may consider that the reduction in the depth of the proposed extension would overcome the second ground of refusal of application 16/04359.

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.

as amended by documents received on 12.12.2017 19.06.2017 07.07.2017

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 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

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 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 4 The occupation of the dwelling shall be limited to a staff member of the veterinary practice hereby granted planning permission.**

Reason: In order that use separate from the host veterinary practice can be considered in the light of the circumstances at the time and to accord with Policies BE1, H7 and T3 of the Unitary Development

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

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

- 6** 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 the interest of the visual and residential amenities of the area and to accord with Policies BE1 and H7 of the Unitary Development Plan.