

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

**Application No :** 17/05481/FULL6

**Ward:**  
**Shortlands**

**Address :** 36 St Mary's Avenue Shortlands  
Bromley BR2 0PR

**OS Grid Ref:** E: 539433 N: 168627

**Applicant :** Mr A And Mrs C Kara

**Objections : NO**

### **Description of Development:**

First floor side extension and elevational alterations

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 9  
Smoke Control SCA 21

### **Proposal**

The application seeks planning permission for a first floor side extension to the north-western side of the dwelling above the existing garage. It will project 2.25m in width and 5.5m in length and will have a hipped roof with a ridge height to match the height of the existing roof above the front bay window projection. A side space of 1.150m is shown to be provided from the flank wall of the first floor extension to the north-western boundary. At ground floor the existing side space of approximately 0.7m will be maintained.

The extension is shown to be rendered with a tiled roof and will provide an en-suite bathroom and dressing room for the master bedroom served by a window in the front elevation and rooflight within the rear roof slope.

### **Location and Key Constraints**

The application site comprises a two storey semi-detached dwellinghouse located on the southern side of St Mary's Avenue, Shortlands. The area is residential with a mix of detached and semi-detached dwellings.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and no representations were received.

## Comments from Consultees

None were requested.

## 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:

### National Planning Policy Framework (NPPF) (2012):

Chapter 7 - Requiring Good Design

### London Plan Policies (2016):

7.4 Local character

7.6 Architecture

### Unitary Development Plan (2006):

H8 Residential extensions  
H9 Side space  
BE1 Design of new development

### Draft Local Plan (2016):

6 Residential Extensions  
8 Side Space  
37 General Design of Development

### 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 ref: 04/02497/FULL6, planning permission was granted for a single storey side extension.

More recently, planning permission was refused under ref: 17/02913/FULL6 for a first floor side extension for the following reason;

"The proposed first floor side extension, by reason of lack of adequate side space, would result in a cramped appearance within the streetscene and therefore be detrimental to the spatial characteristics and visual amenities of the area in general, thereby contrary to Policies H9 and BE1 of the Unitary Development Plan."

Following this under ref: 17/03927/FULL6 planning permission was again refused for a first floor side extension for the following reason;

"The proposed first floor side extension, by reason of lack of adequate side space for the full height and length of the resultant two storey flank wall, would result in a cramped appearance within the streetscene and therefore be detrimental to the spatial characteristics and visual amenities of the area in general, thereby contrary to Policies H9 and BE1 of the Unitary Development Plan".

## **Considerations**

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

- Resubmission
- Design
- Side Space

- Neighbouring amenity
- CIL

### Resubmission

The application follows two recent refusals for a similar first floor side extension at the property which was refused due to the lack of adequate side space which would result in a cramped appearance within the streetscene and as such detrimental to the spatial characteristics and visual amenities of the area. The extension proposed under ref: 17/02913/FULL6 extended in line with the front elevation of the existing dwelling and projected an additional 0.3m in width to align with the flank wall of the existing garage at ground floor providing a side space of only 0.7m at both the existing ground and proposed first floor.

The second application under ref: 17/03927/FULL6 showed the first floor extension to be set back 0.3m from the front elevation and 1m from the side boundary. However, at ground floor a side space of only 0.7m would be provided from the existing garage to the boundary.

Both of these applications were refused by reason of lack of adequate side space which would result in a cramped appearance within the streetscene and therefore be detrimental to the spatial characteristics and visual amenities of the area in general, thereby contrary to Policies H9 and BE1 of the Unitary Development Plan. To address this the current application proposes the following changes:

- Set back from the front elevation by 0.6m (approximately 1.75m from the front bay);
- Reduced in width to 2.250m; and
- Increase the separation at first floor level to 1.150m to the north-western boundary with No. 34.

### 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.

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.

The extensions are sympathetically designed to complement the host building, the first floor is set back and the ridge height lower than the host building as such it is considered that the extension would not appear overly bulky or dominant within the street scene, and would not detract from the character and appearance of area generally.

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

### Side Space

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. Proposals for the replacement of existing buildings will be considered on their merits.

Policy H9 of the UDP, states, among other things, that "normally", a minimum of 1 metre clear distance should be maintained between the full height and depth of a two storey side extension and the side boundary of the property. With the proposed extension, whilst the upper storey element of the house would be 1.15m from the boundary, there would not be a clear 1 metre gap at both upper and lower storeys by virtue of the existing garage and utility room being built 0.7m from the north-western boundary with No. 34.

In this case, however, given the very small scale, sympathetic design and set back position of the proposed extension, the technical conflict with Policy H9 would be very modest. Adequate physical and visual separation between the two storey elements of the neighbouring property No. 34 (which is a detached property set at

a higher land level than the host property), it is considered that the proposal would be commensurate with the established pattern of development in the vicinity, would be maintained. Consequently, there would be no material harm to the character and appearance of the area.

Given all of the above it is considered that the proposal would not result in a terracing effect between the extension and any neighbouring property, the proposed extension would also not cause a cramped appearance within the wider streetscene given that the extension at first floor level is set off the boundary by 1.15m and set back by 0.6m from the front elevation (1.75m from the bay). It is considered the separation distance retained allows for high spatial standards and a high level of visual quality to be maintained. Therefore the proposal does not conflict with the reason for the side space policy.

### 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. This is supported by London Plan Policy 7.6.

The properties fronting St Mary's Avenue do not form a straight frontage resulting in No. 36 slightly forward of No. 34 which is located to the north-west. However, given the set back of the first floor side extension and the lack of flank windows both in the proposed extension and the neighbouring property it is considered that the scale, siting, separation distance, orientation of the development in relation to No. 34, would not 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 Members are therefore asked to consider if the revised design over the aforementioned applications has fully addressed the previous reasons for refusal and if the development in the manner proposed is acceptable in that it would not materially harm the character or appearance of the area, nor would result in a terracing affect or the amenity of the surrounding occupiers.

As such, it is recommended that planning permission should be granted with the conditions set out in this report.

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: 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 north-western flank elevation, 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.