

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/00019/FULL6

**Ward:**  
**Bickley**

**Address :** 5 Cloisters Avenue Bickley Bromley  
BR2 8AN

**OS Grid Ref:** E: 542605 N: 167628

**Applicant :** Mr Martin Gallegillo

**Objections :** YES

**Description of Development:**

Demolition of existing garage, part one/two storey rear/side extension, loft conversion with addition of rooflights and raised deck.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 12

**Proposal**

Planning permission is sought for a part one/two storey side/rear extension and roof extension to provide habitable accommodation in roofspace. The proposed extension would extend at single storey level up to the boundary with No. 3 where an externally accessed store would be provided. At first floor level a separation of 2m would be provided up to a point 7.3m from the front elevation, reducing to 1.8m for the remaining two storey side/rear extension.

The proposed ground floor rear extension would have a depth of 6.4m adjacent to the boundary with No. 7, with the first floor section set in from the boundary with No.7 by 2m and projecting 4.4m parallel to the boundary. The proposed single storey extension would have a flat roof which would be 3.3m high. The two storey development would be set beneath a pitched roof.

The proposal includes the landscaping of the front garden to provide 3 no. car parking spaces. Revised plans show the provision of a 3m dropped kerb.

**Location and Key Constraints**

The application site lies on the western side of Cloisters Avenue and comprises a two storey semi-detached property. As originally constructed, the dwellings in the street had a chalet style roof with prominent central gable straddling the party boundary. The immediate area is largely residential, with The Chequers Public House within close proximity to the south of the site. Other dwellings in the street have been the subject of substantial side/rear extensions. The attached dwelling at

No. 7 has an existing flat roof dormer style first floor side extension. Extensions similar to that currently proposed have been constructed at nearby dwellings including Nos. 1, 9, 11 and 17 (with the latter granted planning permission under reference 14/04911/FULL6).

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

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

### **Comments from Consultees**

Highways: The proposal includes extending the parking area on the frontage with a crossover about 7m wide. The crossover guidelines limit residential crossovers to 3m in width. While the increase in parking provision is supported, the width of the crossover should not exceed 3m in width. (Revised plans received 6/3/18 have amended the width of the crossover to 3m).

### **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

#### Unitary Development Plan

H8 Residential extensions

H9 Side space

T3 Parking

T18 Road safety

BE1 Design of new development

#### Draft Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

#### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

### **Planning History**

There is no relevant planning history to report.

### **Considerations**

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

- Design
- Neighbouring amenity
- CIL

#### 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.

There are several examples of similar properties having been extended to the side at first floor and two storey level, with examples of single storey development immediately adjacent to the boundary and first floor development retaining separation to the boundary. The first floor separation to the boundary in this application ranges from 2m for the first 7.3m of the extension, reducing to 1.8m towards the rear, beyond the modest single storey element which is positioned centrally within the extended flank elevation.

Having regard to the height and substantial setting back of the single storey element from the main front elevation, and taking into account similar local development including that granted under reference 14/04911/FULL6 at No. 17 Cloisters Avenue, it is considered that the design of the proposal would be acceptable. The extensions would not compete visually with the host dwelling, and while the resultant increase in habitable accommodation is significant, the overall visual impact of the proposal would not be unacceptable. In the context of the visual amenities of the street scene and the spatial characteristics of the area it is not considered that the shortfall in side space at ground floor level would result in a development detrimental to the spatial standards or visual amenities of the area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

#### 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.

The main impact of the proposals would be on the amenities of the neighbouring residential dwellings at Nos. 3 and 7 Cloisters Avenue. No. 3 lies to the south east of the application site and as such, including also the separation between the extensions and the neighbouring dwelling, it is not considered that the proposal would result in a significant loss of amenity with particular regard to light, outlook, prospect and privacy. This neighbouring property has a storage lean to with a side elevation constructed partially of corrugated sheeting immediately adjacent to the low boundary fence between the side accessways. There are no first floor flank windows at the dwelling, nor rear facing windows which would be significantly impacted upon by the proposed development.

It is noted that the single storey extension would be substantially deep immediately adjacent to the boundary with No. 7, but that that property has itself been extended adjacent to the boundary with a conservatory with largely solid side panels. The adjoining dwelling also has a flat roofed first floor rear extension set towards the boundary with No. 9. The proposed extension would project beyond the conservatory at No. 7 by approx. 2.8 - 3.5m (to account for the angled rear elevation of the conservatory) and the flat roof of the extension would be 3.3m high. On balance, taking into account the existing development at No. 7 it is not considered that this part of the proposals would result in a significant impact on the amenities of the neighbouring dwelling.

The first floor extension would be set away from the party boundary and the submitted drawings indicate that the rear corner of the first floor extension would not project within a 45 degree angle measured from the centre of the nearest first floor window at No. 7. The extension would be visible from the neighbouring property and it is noted that the first floor rear facing window at No. 7 lies adjacent to that dwelling's own first floor rear projection and as such there is some potential for an increased sense of enclosure to the rear facing first floor window. It is noted that the relationship between Nos. 17 and 19 and 5 and 7 is substantially similar in terms of the depth and height of extensions and the orientation of the dwellings in relation to each other. While it is a fundamental principle that each case should be considered on its merits, the significant similarities between the development proposals and the nearby sites are acknowledged. On balance, it is not considered that this would result in a significantly adverse visual impact such that would warrant the refusal of planning permission in this instance.

### 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 acceptable. It would not result in a significant loss of amenity to local residents or 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.

**as amended by documents received on 06.03.2018**

### **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 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 extensions hereby permitted, without the prior approval in writing of the Local Planning Authority.**

**Reason: In the interest of the residential amenities of neighbouring properties and to comply with Policy BE1 of the Unitary Development Plan.**

- 5 Before the development hereby permitted is first occupied the proposed first floor window(s) in the southern elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

**Reason: In the interest of the residential amenities of the neighbouring property and to accord with Policy BE1 of the Unitary Development Plan.**

- 6 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

**Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.**