

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

Application No : 18/00121/FULL1

Ward:
Hayes And Coney Hall

Address : 55 Kechill Gardens Hayes Bromley BR2
7NB

OS Grid Ref: E: 540392 N: 167133

Applicant : Mark Ross

Objections : YES

Description of Development:

Single storey and rear dormer extensions to No. 55 (existing dwelling) with amendments to planning permission ref. 17/00382/FULL1 allowed on appeal for the erection of a 2 storey three bedroom end of terrace dwellinghouse to allow additional accommodation in roof space through the formation of hip to gable and rear dormer roof extensions.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 51

Proposal

Planning permission is sought for amendments to planning permission ref. 17/00382/FULL1 which was allowed at appeal for the erection of a 2 storey three bedroom end of terrace dwellinghouse.

The amendments to the approved scheme comprise:

- The formation of roofspace habitable accommodation at the host and new dwelling, including the formation of a hip to gable roof extension and rear dormers.

The ridgeline of the new dwelling would be at a lower level to the main ridgeline to the host property. The host roof would retain a partial hip at the side, linking to the ridgeline above the new dwelling. The gable end to the new dwelling would incorporate a hipped element/partial gable end. The front roof slope of the additional dwelling would be set back from the main front roof slope of the host dwelling at No. 55. Materials to be used for the external surfaces of the extension would match the host dwelling. The rear dormer extensions would be separate, with each being set in from the rear eaves and from the existing and proposed side boundaries of the individual dwellings.

- The construction of a 3m single storey extension to the host dwelling which would align with the rear elevation of the new dwelling allowed on appeal.

The single storey extension would infill the space between the flank elevation of the new dwelling allowed at appeal and the flank boundary of the host dwelling with No. 53 which lies to the south. The extension would be 3.1m deep and 2.7m high to eaves, with a maximum height of 3.6m to the top of the monopitch roof.

- Reconfiguration of internal ground floor layout so as to result in Part M compliance.

Location and Key Constraints

The host dwelling comprises at present a semi-detached house although planning permission was granted under reference 16/01129 for the erection of a two storey three bedroom end-of-terrace dwelling to be attached to that house.

The host/donor dwelling lies to the south of the bungalow at No. 57 and projects forwards of that property towards the road as a consequence of the turning head siting of the semi-detached bungalows. To the south lies the adjoining semi-detached dwelling at No. 53 which lies within a wider plot with a width of approx. 18, compared with the 15m plot width of the donor property. The pair of semi-detached dwellings occupy wide sites and each semi-detached dwelling has been the subject of planning permission for the substantial extension of the host dwellings to the side.

The surrounding area is characterised by semi-detached bungalows and two storey dwellings. There are generous spaces between dwellings, combined with the set back of houses behind garden frontages and/or driveways, which contribute to the character and appearance of the street scene.

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

- Terrace would be out of keeping with the area and an overdevelopment;
- Front dormer windows out of character (NB no front dormer windows are proposed);
- Proposal would be three storey in appearance, out of character with the street
- Additional cars/parking in the street and impact on road safety
- The rear dormers would be excessively large as is the two storey rear extension
- Loss of privacy
- Loss of light
- Detrimental impact on the street scene

- Impact on outlook from neighbouring property
- Would set a precedent
- Contrary to covenant

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 7.4 Local Character
Policy 7.6 Architecture

Unitary Development Plan

BE1 Design of New Development
H1 Housing Supply
H7 Housing Density and Design
H8 Residential Extensions

H9 Side Space
T3 Parking
T18 Road Safety

Emerging Local Plan

Policy 37	General Design of Development
Policy 1	Housing Supply
Policy 4	Housing Design
Policy 6	Residential Extensions
Policy 8	Side Space
Policy 99	Residential Accommodation
Policy 30	Parking
Policy 33	Access for All
Policy 32	Road Safety

Supplementary Planning Guidance

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

Planning History

The application site has been the subject of several recent applications for permission to extend the property to the side/rear as well as an application submitted in 1990 for the erection of a detached bungalow adjacent to the host dwelling at No. 55. While it is a fundamental principle that each case be considered on its merits in relation to the individual application site, the close proximity of the dwelling at No. 53 means that the planning history of that property is of strong relevance to the proposed development adjacent to No. 55, and that planning history is also summarised.

No. 55 Kechill Gardens

90/01145

Outline planning permission was refused in 1990 for the erection of a detached bungalow with an attached garage. Outline permission was refused on the grounds:

1. The proposal constitutes an unsatisfactory and cramped form of backland development lacking adequate amenity space, detrimental to the amenities of adjoining residents by reason of loss of privacy, prospect and general disturbance out of character with the area generally, and as such the development would be contrary to Policy H.2 of the Bromley Borough Plan.
2. The proposal would be prejudicial to the maintenance and repair of the River Ravensbourne (South Branch) Culvert running along the west boundary of the site.

It should be noted that the application related to development proposed to be sited at the rear of the garden of No. 55.

15/04204

Planning permission was refused for a part one/two storey front/side and rear extension on the grounds:

1. The proposal, by reason of its excessive width, bulk and siting in relation to the boundary, would have a cramped and overdominant appearance, out of character with and detrimental to the appearance of the host dwelling, the visual amenities of the street scene and the distinctive residential character of the area, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.

15/05501

Planning permission was refused for a part one/two storey front/side and rear extension. An appeal against the refusal of planning permission was dismissed. Permission was refused on the grounds:

1. The proposal, by reason of its excessive width, bulk and siting, would have a cramped and overdominant appearance, out of character with and detrimental to the appearance of the host dwelling, the visual amenities of the street scene and the distinctive residential character of the area, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan.

In dismissing the appeal the Inspector noted the main issue as being the effect of the proposal on the character and appearance of the area and concluded:

"Notwithstanding the other extensions in the area I consider that the proposal before me is of a width and bulk that detracts from the character and appearance of the existing house. Also, while just over 2 metres would remain between the house and the side boundary, the proposal would still substantially reduce the existing side space."

The Inspector considered that the extensions would have been disproportionate to the existing dwelling, being large and bulky and accordingly harmful to the character and appearance of the area.

16/04784

Planning permission was granted for the erection of a part one/two storey front/side/rear extension. The application had sought to overcome the previous ground for refusal and the Inspector's reasoning in dismissing the appeal. Of particular note, the proposed extension was narrower than the host dwelling, incorporated a first floor set back from the adjacent first floor front elevation and a lower ridgeline than the main host roof. Further, the rear extension was considered to have a less convoluted roof design and the overall bulk and scale of the extension was considered to be less dominant. A side space of 3m was proposed to be to the flank boundary rather than the 2.15m previously proposed.

Planning permission was granted subject to a number of conditions including that the extension shall only be used for purposes incidental to the residential use of the main dwelling and for no other purpose.

17/00382

Planning permission was refused for a proposal which involved the erection of a new end-of-terrace dwelling in place of but substantially similar in built form to that granted planning permission under 16/04784. A subsequent appeal against the refusal of planning permission was allowed.

No. 53 Kechill Gardens

The adjoining semi-detached dwelling at No. 53 has been the subject of a number of applications following the grant of planning permission for a substantial two storey side extension which replaced an unattractive and substantially wide flat roofed extension. Following the grant of planning permission for the replacement/enlarged two storey side extension under reference 12/02589, subsequent applications and appeals have sought the development of the side of the house to provide a self-contained dwellinghouse.

12/03353

Two storey detached dwelling house. Planning permission was refused on the grounds that the proposal represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. The subsequent appeal against the refusal of planning permission was dismissed

13/00228

Demolition of two storey extension and erection of two storey detached dwelling together with associated work to provide off street parking. Planning permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. An appeal against the Council's decision to refuse planning permission was dismissed.

13/03420

Erection of two storey dwelling with garage and additional attached garage to serve 53 Kechill Gardens on land adjacent 53 Kechill Gardens. Permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policies BE1 and H9 of the Unitary Development Plan and Policy 7.4 of the London Plan. A subsequent appeal against the Council's refusal was dismissed.

14/02617

Planning permission was refused and dismissed on appeal for the erection of an attached two storey 3 bedroom dwelling, with extensions and alterations. The Inspector found that the bulk of the extensions proposed, with the exception of a single storey garage, would have been very similar to that permitted under ref. 12/02589.

The Inspector reasoned that the bulk of the extension and the subdivision of the front garden need not appear as a cramped overdevelopment. However, the replication of the design of the existing semi-detached pair incorporating a second front door, the extension of a porch canopy over both doors and the replication of the fenestration pattern would cumulatively have resulted in the property as enlarged "appearing as a terrace of three houses". The Inspector felt that this would have been uncharacteristic in the context of the semi-detached form and appearance of the surrounding development.

The Inspector considered that "it may well have been possible to create an imaginatively designed and attractive new dwellings here that would not have resulted in the semi-detached pair as extended having the uncharacteristic appearance of the a terrace block which, in turn, would give rise to an impression of overdevelopment."

15/03041

Planning permission was granted for a part one/two storey side extension.

16/01129

Planning permission was refused for the erection of an attached dwelling on the grounds:

"1. The proposal represents a cramped overdevelopment of the site out of character with adjacent properties harmful to the appearance of the street scene and spacious character of the surrounding area thereby contrary to Policy BE1 and H7 of the Unitary Development Plan and Policies 3.5, 7.4 and 7.6 of The London Plan."

A subsequent appeal against the Council's refusal of planning permission was allowed, and permission was granted on appeal. The Inspector took into account the physical proportions of the extension granted planning permission under reference 15/03041 and considered that the only significant difference would be a ground floor window in place of a garage door. The Inspector considered the concerns that the proposal would set a precedent for similar forms of development in the area, but emphasised that each case must be considered on its merits, stating that even though the proposal would involve the creation of a separate dwelling/a terrace of three properties "there is no substantive evidence to suggest that this in principle would be harmful to either the character or appearance of the area."

It was noted that the proposed terrace would be similar in appearance to other semi-detached properties in the locality, which were noted to have substantial side extensions, and it was therefore considered that the proposal would not appear out of place in the street scene. Even though the proposal would involve part of the appeal site in front of the host and proposed dwellings being given over to parking, space would remain to the front of the appeal site for a front garden area and the Inspector noted that off-street parking in front of dwellings is a common characteristic of the area.

In reaching the conclusion, the Inspector had regard for the fall-back position of the built development granted planning permission as an extension to the host dwelling. Significant weight was attached to the fact that should the appeal have failed the implementation of built development of the same proportions and siting (albeit as extensions) would have been a genuine fall-back position.

The permission has not, to date, been implemented.

17/03930

Planning permission was granted for the erection of one, 4-bed attached dwelling (amendments to planning permission reference 16/01129 (allowed at appeal) to include amendment to roofline, additional single storey rear extension and loft conversion. The amendment to the roofline proposed a half-hip to the roof and a rear dormer extension inset from the hipped part of the roof. At the rear, the single storey extension proposed to the new dwelling (as yet unconstructed) was proposed to almost align with the single storey rear extension at the host dwelling (no. 53).

Considerations

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

- Design
- Neighbouring amenity
- CIL

While the concerns expressed by neighbouring residents regarding the severance of the site into two dwellings and the formation of a terrace of 4 dwellings are acknowledged it is important to note that the principle of the main bulk of the extensions and their use as a severed self-contained dwelling has been accepted by the Planning Inspectorate in the decision to allow the appeal under reference 17/00382/FULL1. The parking and access arrangements associated with the formation of a severed residential site were considered acceptable at that time, and it was not considered that the bulk, depth and siting of the extensions intended to form the severed dwelling would have a detrimental impact on neighbouring amenity or the visual amenities of the area.

In assessing this application it falls to consider the amendments proposed and the impact that these might have on residential and visual amenity.

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The proposal would result in a gable end to the roof profile (with a hipped feature) over the two storey extension which would form a self-contained dwelling. It is reasonable to consider whether the proposed amended roof design would have a significant impact on the appearance of the street scene and the visual amenities of the area in general. The design of the two storey extension as a dwelling which was approved under 17/00382 resulted in a dwelling with the broad appearance of a large two storey side extension, with this design concept replicated on the adjoining semi-detached dwelling (No. 53) where planning permission has similarly been granted for a two storey dwelling attached to the host. It is noted that there are differences between the designs of the proposed additional dwellings attached to either side of the original semi-detached houses, with the end of terrace dwellings not being directly identical.

It is acknowledged that the supporting text to Policy H8 of the Unitary Development Plan states that "the enlargement of a roof structure from a hipped design to a gable end is unlikely to be acceptable except in relation to end-of-terrace dwellings." The planning history of the host dwelling and the adjoining semi-detached house at No. 53 has resulted in the principle of the formation of a terrace of 4 being accepted, although the end of terrace dwellings which would bookend the existing semi-detached houses have not yet been constructed.

Planning permission was granted at No. 53 for amendments to the scheme allowed on appeal including to the roof design and the formation of a rear dormer

extension. While the roof design currently proposed in this application does not identically replicate that which has been granted planning permission at No. 53, in view of the supporting text to Policy H8, the planning history of the host and neighbouring site, and the submission of amended drawings showing a more generous hipped element than was originally proposed, it is not considered that the refusal of planning permission for the amendments to the roof design of the host/new dwelling would be justified and readily defensible at appeal.

The applicant has submitted information to suggest that the proposed roof enlargement could, if the permission under reference 17/00382 is implemented, be constructed as permitted development under Class B of the GPDO. The permitted development rights associated with the dwelling under Class B were not removed by the Inspector when planning permission was granted on appeal. The fall-back position is a consideration in the assessment of the scheme, although the permitted development rights associated with the new dwelling only exist once the dwelling has been erected. In granting planning permission for the amendments to the scheme allowed on appeal at No. 53, the fall-back permitted development position was also a material planning consideration.

When the appeal Inspector considered the development under reference 17/00382 it was noted that the proposal would have an acceptable effect upon the host building "featuring a subservient roof line, set back front elevation and proportions that would not be incongruous to the surrounding area." The front roofslope of the new dwelling and the ridgeline above remains subservient to the host dwelling, and on balance it is not considered that the appearance and design of the enlarged roof over the proposed end-of-terrace dwelling would undermine the Inspector's reasoning in allowing the appeal. While concern has been expressed regarding the bulk of development, in terms of the ground and first floor of the proposed new dwelling, the built form of the development is unchanged. The rear dormer extensions proposed to the host and new dwellings would be set in from the eaves and the part gable end, and their impact on the wider visual amenities of the locality would be limited as a consequence of their siting within the rear roof slopes. Sufficient space is retained between the proposed dwelling and the neighbouring single storey dwelling so as to satisfactorily limit the extent to which the increase roof bulk would result in a cramped appearance.

With regards to the extension of the host dwelling at No. 55 at the rear, this is not considered to have a significant impact on the visual amenities of the area in view of its siting at the rear of the row of dwellings. With the exception of the single storey extension to the host dwelling, the proposed footprint of the development would replicate that of the development allowed at appeal.

Impact on residential amenity

With regards to the impact of the proposal on the residential amenities of the area, the main impact would be on each neighbouring dwelling - the host at No. 55 which lies within the red line application site, and the bungalow to the north of the site.

It is understood that the neighbouring dwelling at No. 53 has a single storey rear extension and planning permission has been granted under references 15/03041,

16/01129 and 17/03930 for development at No. 53 which would include a 3.5m single storey extension adjacent to the boundary with No. 55.

This current proposal would result in a single storey extension at No. 55 which would broadly align with the extended rear elevation of No. 53 and the rearmost extent of the new dwelling adjacent to No. 55. It is not considered that the proposed single storey extension would have a detrimental impact on the amenities of either neighbouring dwelling, with the proposed single storey extension screened from No. 57 by the depth and extent of the two storey extension to No. 55 which will form the new dwelling.

The proposed rear dormer windows would introduce additional rear facing windows at a high level. However, the existing (and proposed) dwellings have first floor rear facing windows, and dormer extensions are not uncommon in the locality. The site lies in a suburban location within which there will be expected to be some degree of surveillance of neighbouring gardens and in this context it is not considered that the rear dormer extensions would result in an unacceptable loss of privacy.

With regards to the impact of the proposals on the light and outlook to the neighbouring single storey dwelling, the proposed additional development at roof level would not result in a reduction in the space between development or a significantly increased bulk at roof level which would affect daylight and sunlight to the neighbouring property. The flank elevation of the new dwelling would appear bulkier than that granted planning permission at appeal, but taking into account the separation between the dwelling and the bungalow and the permitted development fall-back position which would allow the construction of roof extensions following completion of the development, it is not considered that the refusal of planning permission on this basis would be justified in this instance.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

Other issues

It is noted that concern has been expressed that the severance of the site would be contrary to covenant. Members are advised that this would be a private legal matter and is not a material planning consideration.

Conclusion

While the severance of the site has historically been resisted by the Local Planning Authority, in view of the recent appeal decision, including the lack of a condition removing permitted development rights, it is not considered that strong grounds exist which would justify the refusal of planning permission for the current amendments. The increase in the bulk of the roof and the formation of a single storey rear extension to No. 55 would not, in the context of the host building and the neighbouring single storey dwelling, result in a cramped appearance or an unacceptable overdevelopment of the site. While it is acknowledged that concerns

have been expressed regarding the impact of the proposed amendments upon residential amenity, taking into account the siting and form of the extensions and neighbouring development, it is not considered that the proposals would result in a significant loss of privacy or an undue impact on outlook.

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 08.03.2018

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: To comply with Section 91, Town and Country Planning Act 1990.

- 2 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.

- 3 No development shall take place until samples of all facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample 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

- 4 No development shall take place until details of surface water drainage works to prevent the discharge of surface water from private land on to the highway have been submitted to and approved in writing by the local planning authority. A clearly labelled drainage plan should be submitted showing pipe networks and any attenuation soakaways where infiltration forms part of the storm water system such as soakaways, soakage test results and test locations should also be submitted in accordance with BRE digest 365 and calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change. The relevant works shall be carried out in accordance with the approved details prior to occupation of the development.**

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

- 5 No development shall take place until a scheme of boundary enclosures, including height and type, have been submitted to and approved by the local planning authority in writing. The building shall not be occupied until the relevant works have been carried out in accordance with the approved details and thereafter retained in the approved form.

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

- 6 The building shall not be occupied until the parking spaces area on drawing reference 'proposed block plan' has been drained and surfaced in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.

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.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or doors other than those expressly authorised by this permission shall be constructed on the northern elevation.

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

You are further informed that:

- 1 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL