

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

**Application No : 18/00107/FULL6**

**Ward:  
Petts Wood And Knoll**

**Address : 18 Ladywood Avenue Petts Wood  
Orpington BR5 1QJ**

**OS Grid Ref: E: 545339 N: 167639**

**Applicant : Mr & Mrs Jayasekara**

**Objections : YES**

**Description of Development:**

Demolition of existing conservatory and garage with construction of a single storey rear extension with a part two storey side/rear and front extensions.

**Key designations:**

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 4

**Proposal**

The proposed two storey extension would have a width of between 1.4m and 3.3m, however due to the existing staggered flank elevation of the property and tapered boundary line, the resulting flank elevation will remain staggered at ground and first floor. The roof design will match that of the host dwelling, being pitched and having a catslide feature with an eaves height of 4.2m to the flank in order to retain the same angle as the existing roof over the projecting side element of the host dwelling. It would have a height of 7.4m which would be stepped down from the main ridge height by 0.5m.

The proposed rear extension will have a rearward projection of 4m at ground floor and at first floor it would have a depth of 3m. The proposed extension would span much of the width of the host dwelling but would be set back from the north east flank boundary, where it adjoins the rear of the property, by 0.9m at ground floor and 2.5m at first floor. The flank boundary between No. 18 and 16 is tapered and therefore the minimum separation to towards the rear of extension narrows to 0.2m from the adjoining boundary. The proposed rear extension would have a pitched roof which would be hipped and would have a height of between 7.4m (at first floor) and 3.6m (for the ground floor element).

## **Location and Key Constraints**

The application site is located on the western side of Ladywood Avenue within an Area of Special Residential Character and hosts a semi-detached dwelling with a single storey detached garage to the side/rear of the host 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

- Only minor alterations to plans refused last year and views remain the same
- Overdevelopment
- Will imbalance adjoining semi-detached house
- Impact on privacy and degree of overlooking to the rear
- Side extension will impose and overshadow to their frontage at No. 20
- Enjoy space between properties in Ladywood Avenue being an ASRC
- Loss of views through to rear gardens
- Negative impact on spatial standards
- Loss of residential amenity
- Sheer size is too large and out of keeping with other houses
- Not opposed to a single storey extension
- Houses are aesthetically pleasing and beautifully designed in Petts Wood
- Many houses are being spoiled by addition of side and rear extensions that were previously well balanced
- Reducing value of properties across the area
- Loss of value, amenity and light to house next door
- Long standing residents need to be protected
- Increasing density
- Potentially increasing road parking which is already causing problems
- There has been a refused application to build two houses in place of one at Friends Meeting House and there are similar reasons to reject this application
- Small reduction in size from refused application has not done anything to accommodate the objections already raised
- Cramped appearance to street frontage

### Local Groups

- 2-storey element at the rear would only have a 205mm gap at the NW corner adjacent to number 16, with a 4m rearward projection.
- This is same as first application
- The first floor is now stepped in by 1.7m but will continue to span much of the width of the property
- Substantial extension which will dominate the rear elevation

- Will continue to impact on spatial standards and privacy of adjoining residents
- Greater degree of overlooking given relationship between Nos. 16 and 18
- Insufficient regard has been paid to host dwelling and plot layout
- Contrary to BE1 and SPG para 2.2
- Unbalance the pair of semi's
- Contrary to H8
- Loss of garage is unfortunate
- Will add to cumulative impact on parking in the area
- Footprint will increase by 80%
- Overdevelopment
- Contrary to SPG para 2.2
- Sited within ASRC and any development should respect the plot layouts and established character

## **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

BE1 Design of New Development

H8 Residential Extensions

H9 Side Space

H10 Areas of Special Residential Character

T18 Road Safety

#### Draft Local Plan

Draft Policy 6 - Residential Extensions

Draft Policy 8 - Side Space

Draft Policy 37 - General Design of Development

Draft Policy 44 - Areas of Special Residential Character

Draft Policy 32 - Road Safety

#### 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:

02/04247/PLUD - Single storey rear extension for conservatory CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT - Allowed on appeal

17/04325/FULL6 - Demolition of existing conservatory and garage with construction of a single/two storey side/rear and front extensions. - Refused

The application was refused for the following reasons:

"The proposed development would not accord with the general character of the Area of Special Residential Character in respect of two storey development adjacent to the boundary which would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies H10 and H9 of the Unitary Development Plan and Draft Policies 8 and 44 of the Draft Local Plan."

"The proposed part one/two storey rear extension by reason of the size and bulk and proximity to the flank boundary would give rise to an unacceptable loss of amenity to the neighbouring property at No. 16 by reason of overshadowing and visual impact thereby contrary to Policies BE1, H8 and H10 of the Unitary Development Plan and Draft Policies 37, 6 and 44 of the Draft Local Plan."

## **Considerations**

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

- Resubmission
- Design
- Petts Wood Area of Special Residential Character (ASRC)
- Highways
- Neighbouring amenity
- CIL

### Resubmission

The application is an amended scheme following a refusal under 17/04325/FULL6 for the demolition of the existing conservatory and garage with construction of a single/two storey side/rear and front extensions. The proposed amendments that have been made are as follows:

- Reduction in width of the two storey side extension from between 4.9m and 1.8m to a proposed width of between 3.3m and 1.4m
- Omission of the single storey side extension towards the front
- Increase in the separation from the attached boundary by 0.6m
- 4 rooflights are now proposed to pitched roof of the single storey rear aspect
- Alterations to the proposed fenestration so that most of the windows (expect the rear glazed doors and rooflights) would have a leaded lights appearance to match the existing

### 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.

The application site is located within the Petts Wood Area of Special Residential Character (ASRC) and as such, it is even more important that any development proposals within the ASRC should respect and complement the established and individual qualities of the individual areas. The original plans for the Petts Wood

ASRC date from the late 1920s and early 1930s, and whilst the houses were built over a number of years, the road layout and plot sizes were established in an overall pattern and the layout remains largely intact today. Therefore any development proposal on this plot should respect this existing character within the wider area.

Policy H8 states the design and layout of proposals for the alteration or enlargement of residential properties should have a scale and form that respects or compliments the host dwelling and be compatible with development in the surrounding area.

Policy H9 requires proposals of two or more storeys in height to be a minimum of 1m from the side boundary. However, H9(ii) states that 'where higher standards of separation already exist in residential areas, proposals will be expected to provide a more generous side space'. Para 4.48 explains that the Council consider it important to 'prevent a cramped appearance and is necessary to protect the high spatial standards and visual amenity which characterise many of the Borough's residential areas'.

Policy H10 requires that applications for development in the Areas of Special Residential Character, as defined on the Proposals Map, will be required to respect and complement the established and individual qualities of the individual areas, as identified in Appendix I.

Appendix I of the Unitary Development Plan states that Petts Wood Area of Special Residential Character is characterised by its large plots and varying houses in similar styles.

The applicant has made comparisons with other extensions carried out in the Petts Wood area, including some substantial extensions, and a Local Group has responded by providing details of the differences from the proposal. Many of the extensions are not in the vicinity of the site and are not the same in terms of the design of the proposal and its context. Only application ref. 16/02257 85 Greencourt Road for a two storey and first floor rear extension which is in fairly close proximity to the site and therefore forms part of the street scene. Other comparisons have been made to applications in Greencourt Road which, Nos 28, 48 and 42, are also nearby and include extensions to the same or similar property type (Nos. 48 and 52) and involved significant side extensions. Nevertheless, each application must be determined on its own merits and individual characteristics of the site and surrounding properties.

Following the previously refused application for a part one/two storey side extension with a width of between 4.9m and 1.8m, the current proposal has omitted the single storey side element towards the front of the property and reduced the width of the two storey extension to between 3.3m and 1.6m. The proposal would now provide a side space of between a maximum of 2.6m and minimum of 1.5m. It is therefore considered that the proposal would continue to have a spacious separation to the flank boundary and would not harm the spatial standards of the ASRC which is characterised by a generous separation between buildings and the proposal is therefore considered to comply with Side Space Policy H9.

These proposed alterations would relate well to the existing form and design of the original roof profile with its catslide roofs, staggered elevation and the overall scale, mass and design would respect the host dwelling and the character of the wider area. The proposed infill two storey side extension would be set back by 0.5m from the further forward projecting part of the front elevation which would maintain the character of the more prominent front gable feature and would prevent a harmfully unbalanced appearance to the pair of semi-detached dwellings. Therefore, it is considered that the proposal would not significantly harm the character and appearance of the pair of semi-detached dwellings. The ridge height is proposed to be lower than the original ridge line making the extension appear subservient to the host dwelling. Therefore, it is considered that the development would not constitute an inappropriate, over dominant or visually obtrusive addition to the dwelling house and would respect the character and appearance of the host building and surrounding properties.

The proposed fenestration and external materials would match the existing dwelling, with the use of diamond leaded lights and brickwork applied to the ground floor and render above which would be in-keeping with the appearance of the host dwelling and surrounding development.

The front porch canopy is modest and would not project significantly beyond the front building line of the gable elevation. It will also reflect similar ones in the immediate vicinity. It is therefore considered that this element of the extension would not have detrimental impact on the character and appearance of the street scene.

The application site benefits from a rear garden of a significant depth, with a depth of approximately 36.9m, although it is somewhat irregular in form. The proposal would erode some of the land to the side and rear of the dwelling. However, to the side there would be a separation of between 1.5m and 2.6m retained. The proposed rear extension would have a depth of 4m which is not excessive but would span most of the width of the dwelling. An existing garage/outbuilding which is situated to the rear of the building would be demolished as part of the proposal which would mitigate some of the loss of the garden land. The depth of rear garden retained would be 32.9m approx. which is still significant. Therefore, given the above, it is not considered that the proposal would overdevelop the site or have a cramped appearance in the street scene.

On balance it is considered that the proposed extensions would not impact harmfully on the character and appearance of this part of the ASRC.

#### 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.

From a Highways point of view, the proposal would result in the loss of the side garage and on-site parking on the existing hardstanding to the side of the dwelling. The property does benefit from a front garden of a reasonable significant size for two cars to park and which could accommodate at least one additional on-site parking space and therefore it is not considered that the loss of car parking to the side of the property would warrant a refusal of planning permission on this basis.

### 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.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment/vegetation of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Subject to the imposition conditions regarding the use and retention of obscure glazing to the south west window(s) it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

With regard to the impact on residential amenity, the proposed rear extension would project between 3m and 4m beyond the main rear wall of the dwelling. It would replace an existing conservatory of a similar depth and proximity to the flank boundary. No. 16 has a rear conservatory and first floor bedroom window near to the shared boundary. Following the previous refusal (ref. 17/04325), the first floor element has been set back further from the attached dwelling, with a gap of 2.6m which narrows to a gap of 2m to the rear of the extension as a result of the tapered boundary line, which would now be a significant separation. Although the boundary line is tapered, the conservatory to No. 16 is at a right angle to the property and therefore the separation between the proposed first floor aspect and the neighbouring conservatory would be at least 2.6m for its full depth. The two storey part of the extension would be set back by 1m from the rear wall of the single storey, resulting in a depth of 3m and it would have a pitched roof which is hipped and pitches away from the north flank boundary and stepped down from the main ridge height which would lessen its bulk, with a proposed height of 7.4m. It is considered that the separation would now be sufficient to alleviate any overshadowing or visual impact to No. 16 and it would not result in a harmful level of overshadowing and loss of light and outlook to the conservatory and rear windows of this neighbouring property to an extent which would warrant a refusal.

The proposed two storey side extension would be sited at least 1.5m away from the south west flank boundary and side garage of No. 20 widening to 1.7m adjacent to the converted garage of No. 20, and approximately 6.4m away from the side wall of the main dwelling (an increase of 0.5m from the refused scheme). This neighbouring property is situated on a bend in the road before the junction with Princes Avenue and is sited further rearward than the host dwelling by a significant amount and therefore this neighbouring dwelling would continue to project further rearwards than the proposed extension. The proposal would extend beyond the front building line of No. 20 by 2.5m. However, given that there is a significant separation from the main property of No. 20 of 6.4m and that the two storey aspect is set back towards the front of the property, the proposals are not therefore considered to have a detrimental impact on light to or outlook to the adjacent property to a significantly greater extent than the existing flank wall of the dwelling. The windows in the south west flank wall of the proposal and would serve a utility room, stairwell and a rooflight to a bedroom which also benefits from a front facing window therefore a condition could be imposed to restrict these windows to obscure glazing if permission were recommended.

## CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

## **Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the ASRC.

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 Before the development hereby permitted is first occupied the proposed window(s) in the 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 interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan