

SECTION '2' – Applications meriting special consideration

Application No : 18/00037/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : 62 Windsor Drive Orpington BR6 6HD

OS Grid Ref: E: 546551 N: 163978

Applicant : S Thomson

Objections : No

Description of Development:

Retention of modular buildings in revised location and installation of brick slip cladding.

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 28

Resubmission

The application follows a previous refusal under ref. 17/0238/FULL1 at Plans Sub Committee No. 3 on the 21/12/2017. The proposed amendment to this current application involves applying a brick slip cladding to the exterior of the modular extension in the revised location excluding the glazed walkways and side walls of the WC.

Proposal

This proposal is for the retention of a single storey rear modular extension to provide two consultation rooms, an office and WC to the doctor's surgery with an enclosed walkway in a revised location. The extension would be rotated through 90 degrees so that it would span the width of the property. The extension would measure between 9.4m and 5.2m in depth including a gap of 0.3m between the main building and it would be 10.2m in width. The roof would be flat with a varied height of between 3.3m and 2.5m as a result of the sloping ground level and proposed stepping down of the ground level of the part of the modular extension.

The application was supported by the following documents:

Updated document:

- Cover Letter
- Resubmitted documents:

- Planning Statement
- Accommodation Analysis
- NHS Bromley Clinical Commissioning Group Support Letter
- Patient Participation Group Support Letter

Location and Key Constraints

The site is situated on the junction with Windsor Drive and Woodside and hosts a detached property which has been converted to a GP surgery from a dwelling. The surrounding area is predominantly residential and is characterised by detached and semi-detached houses.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

Support

- Building is urgently needed by the surgery
- Excellent surgery which continues to provide ever expanding service
- Increasing budget and performances challenges
- If refused, will prevent surgery from operating its broad range of services
- Little or no impact on the surrounding properties
- Landscaping will make it integrated with the area
- Changes proposed and cladding make it much less obtrusive and assimilated into the immediate vicinity
- Imperative that the Committee take into account needs of many patients who given the demographics of the area must include a high percentage of elderly
- Doctors surgeries in the area are limited
- With impending growth in residential properties, the practice will continue to grow. But this will not be possible without the extension
- As member of PPG and patient, fully support the surgery
- Necessary for training of newly qualified doctors and students
- Certain patients have great difficulty climbing stairs which the additional rooms help resolve
- Government wants practices with the range of services such as these to relieve the pressure on hospitals
- Without extra clinics, less patients will be seen
- Without extension, will result in appointment delays and would be less efficient to detriment of patients
- Removing the extension will affect the practice and health of local residents
- It is understood that an additional 1,000 patients from another practice have had to be taken on to Chelsfield Surgery
- There are difficulties in providing good GP cover in the area, particularly with surgeries closing
- The Council needs to consider this application in the context of its mission and the pressure on all NHS service

- patients since 1981 and have excellent care
- trellis on neighbouring side now fully overgrown with greenery
- no objections from any other neighbours from Woodside
- removing the extension and loss of services could result in a loss of funding by NHS
- Provides easier access for disabled patients and to be seen by various clinics
- Surgery's extension offers services which are vital to wellbeing of its patients
- A great asset to this busy surgery
- Provides room for extra Doctors
- the extension provides patients with more opportunities to see a Doctor when they need to.
- With pressures on GPs in the area would be odd to reduce capacity of the best local surgery due to it not meeting planning approval
- Should be regularised to meet compliance
- Capacity provided by extension is much needed and provides additional ground floor accessible provision
- Chelsfield surgery covers and extremely wide area incorporating Chelsfield Village
- Fortunate to have this Surgery with excellent team of doctors, nurses, administrative and ancillary staff.
- No impact on the local area
- Cannot be easily seen from outside the property
- The extension is not 'ugly'
- Already a lot of greenery

Comments from Consultees

No technical Highways objections provided that there would be no increase in number of staff or patients at the surgery as a result of this change subject to standard conditions and informatives.

No Environmental Health objections have been raised.

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 3.2 Improving health and addressing health inequalities
Policy 3.16 Protection and enhancement of social infrastructure
Policy 3.17 Health and Social Care Facilities
Policy 7.4 Local Character
Policy 7.6 Architecture

Unitary Development Plan

BE1 Design of New Development
C1 Community Facilities
C4 Health Facility
NE7 Development and Trees
T3 Parking
T18 Road Safety

Emerging Local Plan

37 General Design of Development
73 Development and Trees
20 Community Facilities
26 Health and Wellbeing
30 Parking
Policy 32 Road Safety

Supplementary Planning Guidance

Supplementary Planning Guidance 1 - General Design Principles

National Planning Policy Framework (NPPF) (2012)

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Planning History

89/03617 - Single storey side and rear extensions - Granted

99/03577 - Single storey side extension for pram store - Granted

09/02823/FULL1 - Single storey rear extension for a consultation room. - Granted

This permission was not implemented and has now expired

11/02841/FULL1 - Two modular buildings with attached walkway to provide 2 additional consulting rooms, office and WC at rear of doctors surgery.
RETROSPECTIVE APPLICATION - Refused

The refusal grounds were as follows:

'By reason of its excessive depth and close proximity to residential properties, the development results in a severe impact on the privacy and outlook of neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan.

By reason of its overall size and visibility from the public realm, the development is out of character with the residential character of the area and is detrimental to the amenities of surrounding residential properties and the streetscene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.

The concrete-surfacing laid out to provide car parking as part of the works to provide the modular buildings is unacceptable by reason of its visual impact and lack of information regarding disposal of surface water, contrary to Policy BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan.'

12/01921/FULL1- 2 single storey modular buildings with attached walkway.
RETROSPECTIVE APPLICATION - Refused

The refusal grounds were similar to the previous proposal and an associated appeal was dismissed.

An Enforcement notice was served for the temporary building to the rear of the site in 2011. An appeal was part allowed/part dismissed, the structure being dismissed and the hardstanding allowed.

With regards to the building, the Inspector concluded that the modular building, due to its flat roof and utilitarian appearance and associated structure, would

compromise the architectural integrity of the existing building to an unacceptable degree thereby harmful to the character and appearance of the main surgery building and the surrounding area. Retention thereof would thus be contrary to saved UDP Policy BE1, SPG No 1 and the relevant provisions of the NPPF. It was further considered that screening either through vegetation or painting would not be sufficient to soften its appearance and a higher boundary treatment would be likely to appear obtrusive.

Regarding the impact on No. 64, the Inspector considered that 'the modular buildings are dominant, unsightly and obtrusive when viewed from the adjacent garden and detract markedly from the outlook enjoyed by the residential occupiers. The approved extension to the surgery building would be much shorter and would have a far lesser impact.' The existing boundary screen was considered obtrusive and it was not felt that an alternative boundary treatment could adequately screen the proposal given its height.

13/02590/FULL1 - Single storey rear extension for a consultation room. - Granted

The proposal was the same as a previous permission ref. 09/02823, both of which have not been implemented.

13/04227/FULL1 - Retention of part of single storey rear extension to provide two consultation rooms. - Refused

A subsequent appeal was dismissed and the Inspector stated as follows:

'I have found that the retention of a reduced size modular building for two consulting rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

'For these reasons I conclude that even at the reduced size now proposed, the modular unit would have an unacceptable effect on the living conditions of the occupiers of No 64 having regard to outlook and privacy. It would therefore conflict with Policy BE1 of the Unitary Development Plan (UDP)¹ which requires development to respect the amenity of occupiers of neighbouring buildings having regard to privacy.'

14/01127/FULL1 - Retention of part of single storey rear extension to provide one consultation room. - Granted

This permission was not implemented and has now expired.

17/02381/FULL1 - Retention of modular buildings in revised location. - Refused

The application was refused for the following reasons:

"1 The proposal, by reason of its excessive rear projection, design and close proximity to the neighbouring residential property, would result in a detrimental impact on the amenities of that property, by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.

2 The proposed development, by reason of its overall size, design and visibility from the public realm, would be out of character with the surrounding residential area and would be detrimental to the amenities of surrounding residential properties and the street scene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan."

Considerations

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

- Resubmission
- Principle
- Design
- Neighbouring amenity
- CIL

Resubmission

The application follows a refusal under ref. 17/02381/FULL1 for the retention of modular buildings in revised location which was refused at Plans Sub Committee No. 3 on the 21/12/2017.

The proposed amendments involve applying a brick slip cladding system provided by portakabin. The cladding system is in the form of brick slips which are fixed to a timber backing framework which is fixed to the extension. The proposed brick cladding would be affixed to the rear and side elevations of the modular extension with the exception of the glazed walkway elements.

The amended proposal would involve an additional layer of screening along the north east flank boundary which was incorporated into the previously refused scheme after it was deferred at Plans Sub Committee No. 3 on the 31/08/2017 in addition to the proposed screening provided by trellises and vegetation along the rear wall and part of the north east flank elevation. However, it was not considered that additional screening was sufficient to mitigate the visual impact of the extension and it would still be out of keeping with the character of the area.

Principle

The site has a lengthy planning history, including several refused applications for two consultancy rooms and the latest application ref. 17/02381/FULL1 for the same modular extension and same siting but without the brick cladding. Furthermore, a previous refused application ref. 13/04227, had a similar depth of rear projection as the current proposal (proposed depth was 9.1m compared to a total depth of 9.4m currently proposed) and with a significantly reduced width was refused and dismissed on appeal.

A smaller brick built single storey extension to provide one consultancy room was granted under refs. 09/02823 and then 13/02490, however this has not been constructed. Subsequently, planning permission was granted (ref. 14/01127) for the retention of part of the single storey rear modular extension to provide one consultation room with a proposed depth of 5.5m.

The site is also subject to an Enforcement Notice following the failure to comply with the approved plans.

Policy C4 of the UDP supports the improvement of health care facilities and states that they will be permitted provided that they are accessible by public transport or are located within town centres, district centres, local centres or local neighbourhood centres and parades. Paragraph 13.17 acknowledges that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often unsuitable in many existing premises, in particular converted residential properties. It is advised that town centres and local shopping parades are likely to be more suitable and sustainable locations for these facilities, where the impact on residential amenities is minimised and there is good access to public transport.

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.

Following the previously refused scheme ref. 17/02381, it is proposed that the modular building in the rotated position would now be clad in brickwork to the rear and flank walls which would be an improvement on the previous application as the

modular extension would contrast less with the red brick used in the exterior walls of the host property. Additionally, given the proposed rotated position of the modular extension, this would also result in a significant reduction in the visibility of the extent of glazing as the glazed walkway would be positioned adjacent to the rear of the building. The Inspector raised concerns in the appeal decision for 13/04227 that the reduced modular extension with its "flat roof, extensive glazing and the use of the materials, plastisol, create a utilitarian appearance. This contrasts with the traditional red brick and tiled roof form of the original surgery building." As a result of the use of a brick cladding and more limited visibility of the extensive glazing, would alleviate some of the Inspector's concerns relating to its utilitarian appearance, albeit it would continue to have a flat roof which would contrast with the tiled pitched roof profile of the main building.

In the appeal decision for application ref.13/04227 comprising of a modular extension with a similar depth as the proposal, the Inspector stated that "the appellant has offered to clad the building but this would not address its overall form and design and its relationship with the host building." Given that the current proposal would have a very similar depth of rear projection as the refused scheme ref. 13/04227 and has a more significant width, from 5.1m to 10.2m, it is considered that the proposed brick cladding would not address the previous concerns raised by the Inspector regarding its overall form and relationship with the host dwelling or the previous refusal grounds relating to the overall size, design and visibility from the public realm and it would continue to appear out of character with the host property and surrounding residential properties.

The current proposal would continue to have the same depth (9.4m), width (10.2m) and overall design as the previously refused proposal (ref. 17/02381). It is not considered that the proposal cladding would be a fundamental change to the design and would not therefore be sufficient to overcome the second refusal ground. It would continue to appear conspicuous as a result of its design, relationship to the host property and bulk in close proximity with the boundary along Woodside. In light of the Inspector's comments in the appeal decision for a similar proposal in 2013 and previous refusal grounds of the most recent application, it is considered that the proposed relocation of the single storey extension would raise similar concerns which have already been found to be unacceptable.

Given the above, it is considered that the development having a maximum 9.4m rear projection and significant width which is greater than that already refused, would impact harmfully on the character of the area and the visual amenities of the street scene.

Neighbouring amenity

The previously proposed development, due to its substantial rearward projection, harmful visual impact and proximity to the flank boundary, was considered to result in a loss of outlook and visual impact to the adjoining neighbouring property. The proposed cladding would result in a design improvement to the proposal however it would not mitigate the visual impact of the development or address the concerns regarding its depth and proximity to the flank boundary. The proposed cladding

therefore would not overcome the concerns relating to the impact of the proposal on neighbouring amenity.

The Inspector found that the current development at the site would harm the privacy and outlook from the neighbouring residential property. The proposal would continue to project excessively to the rear into the view of No. 64, and have a significant height of the flat roof, despite it being stepped down from the existing raised level (it is currently raised by 0.5m to 1.1m from ground level). The site coverage and rear depth of the development would therefore provide a visual impact to No. 64 that would be harmful to the visual amenities currently enjoyed by the occupants of this neighbouring dwelling.

The proposed relocation of the extension would have the same height and depth along the common boundary than the previously refused scheme (ref. 17/0238) and also still similar to the previous refusal in 2013/2014. It would have the same separation to the shared boundary with No. 64, with a proposed gap of 1.8m and height, which is 2.8m. The existing screening would be removed from along the side boundary, however this was not considered adequate to prevent a loss of amenity and also was considered to have a harmful visual impact to No. 64. The proposal would continue to have a considerable length of development along the boundary, in addition to the existing extensions to the property. In the 2014 appeal decision, the Inspector found that the reduced length of the extension (9.1m) and screening would still result in a significant visual intrusion into the garden of No. 64. Consequently, its proposed location, reduced height and separation to the boundary would not overcome the previous issues raised as it would have the same depth as that already refused, projecting much further to the rear than No. 64 and would continue to result in a significant visual intrusion and have a harmful impact on the visual amenities of this neighbouring dwelling.

Other considerations

As with the previous application (ref. 17/02381), the agent has resubmitted the same supporting documents with an updated cover letter dated 3rd January 2018 to provide justification for the development which they consider would outweigh the harm as outlined in the preceding paragraphs. Given the nature of the proposed amendments, involving applying a brick cladding which has not resulted in a substantial change to the proposal, it is considered that the previous assessment of the Applicant's justification remains relevant to the current proposal and is repeated below.

It is appreciated that the surgery seeks to provide an improved level of care and service to its patients and this proposal is supported by a number of local residents particularly with regard to the needs of those with restricted mobility, the Patients Participation Group and the Bromley Clinical Commissioning Group. Furthermore and in accordance with Policies C1 and C4 the Council seeks to support community facilities in the Borough.

The justification provided by the agent states that the two consultation rooms in the extension support the surgery to provide a wider range of services including primary and community care services with some specialist services and in some

cases it would prevent patients having to go to a hospital where these services would usually be provided. It is noted that the supporting analysis of 'Primary and community care, staff and public areas report' submitted with the application identifies that a total of 9 consultation and treatment rooms are required for the GP surgery based on the number of registered patients and calculations provided in the Department of Health Guidance - Health Building Note 11-01. It is also noted that the modular extension provides two consultation rooms to provide a total of 9 consultation and nurse rooms in the extension and main building.

It is further stated in the supporting information for the application that the need and crucial contribution that the extension provides would offset the harm of the extension on the character of the area, the host property and amenity of local residents. As well as there being a lack of other NHS properties in the local area which are accessible by public transport.

A similar justification for the development, including the need for the additional consultation rooms, the benefits it would provide for local residents and health care provision in the area has been considered in a previously refused application which was dismissed at appeal.

The appeal Inspector in their decision for application ref. 12/01921 stated that 'I appreciate that many patients at the surgery support its expansion and the provision of beneficial services, some of which could mean longer journeys to alternative facilities could be avoided. In addition, I recognise the support of the health authority, who confirm that the accommodation would provide space and facilities for GP trainees. However, this support does not outweigh or negate my concerns regarding the impact of the scheme on the character of the area or its impact on the immediate neighbours.' In light of the Inspector's comments, it is not considered that this justification would outweigh the harm which would result to the adjoining neighbouring property and on the character of the area, given the similarity of the proposal with previously refused schemes and compounded harm from the additional width of the proposal.

Previous applications for smaller extension have been granted which would provide at least one additional consultation room. It is considered that the previous Inspector's comments in the appeal on the enforcement notice in 2011 remain relevant, which stated that 'it is readily apparent that additional floorspace sufficient to meet the surgery's stated requirements could, if justified, be provided by less harmful means. This being so, I do not consider that a need for these facilities is sufficient to outweigh the harm arising from them has been demonstrated.' Given the above, it is considered that the justification provided would not outweigh the harm that would result from the proposal and the substantial level of harm could not be offset by a planning condition restricting its use.

It is acknowledged that this proposal involved a larger rear extension with a depth of 11m. However, in a subsequent refused scheme which was dismissed at appeal, similar conclusions were made by the appeal Inspector for the retention of the modular building with a smaller footprint than the current proposal but with a similar depth of rear projection (9.1m). In this appeal decision, the Inspector stated 'I have found that the retention of a reduced size modular building for two consulting

rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area and which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

It is also stated by the agent in their statement that the public and staff areas at Chelsfield Surgery is close in floor area to the example of a primary care centre provided by the Department of Health. However, under Policy C4 Paragraph 13.17 it is acknowledge that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often unsuitable in many existing premises, in particular converted residential properties where some extensions can have a detrimental impact on the amenities of adjoining neighbouring residents such as the proposed development.

Given that the proposed stepped level of the extension would result in the two consultation rooms in the extension not having step free access from the main surgery which would restrict their accessibility, this would lessen the weight of the justification for the extension to provide accessible consultation rooms.

It is not considered that the information submitted has resulted in a significant change from previous information which has been provided in support of the application which would now justify taking a different decision from the previously refused schemes and therefore its harm on the character of the area would be exacerbated by the current proposal.

Additionally, the modular building and two additional consultations rooms is an unauthorised structure without the benefit of planning permission and therefore the loss of this part of the healthcare facility would not considered to be contrary to Policies C1 and C4 and this limits the weight of this justification for the development.

Conclusion

In summary, this amended proposal only involves improvements to the design of the development already refused and therefore has not overcome the first grounds of refusal which relates to the impact of the proposal on the amenity of local residents or fully addressed the second refusal grounds relating to its impact on the appearance of the host dwelling and surround residential development. It is not considered that the proposed amendment to provide a brick cladding to the proposal has sufficiently addressed the previous concerns regarding its overall size, depth of rear projection, design and proximity to the flank boundaries. Therefore, the proposed extension is considered to be unacceptable in that it would result in a significant loss of amenity to local residents and would impact detrimentally on the character of the area.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1** The proposal, by reason of its excessive rear projection, design and close proximity to the neighbouring residential property, would result in a detrimental impact on the amenities of that property, by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.

- 2** The proposed development, by reason of its overall size, design and visibility from the public realm, would be out of character with the surrounding residential area and would be detrimental to the amenities of surrounding residential properties and the street scene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.