

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

**Application No :** 17/05492/RECON

**Ward:**  
**Clock House**

**Address :** 13 Blakeney Avenue Beckenham BR3 1HH

**OS Grid Ref:** E: 536902 N: 169964

**Applicant :** Mr Jawaheer

**Objections : YES**

**Description of Development:**

Variation of Condition 3 of permission: 17/01744/FULL6 to allow increase in ridge height and size of the rear 'L' shape dormer and conversion of garage into kitchen with two windows, amendments revising the internal arrangements, elevational alterations and window fenestration.

**Key designations**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 12

**Proposal**

The application is for a variation of Condition 3 of planning permission: DC/17/01744/FULL6 (Part conversion of garage, single storey rear extension and rear dormer extensions to form habitable accommodation in the roofspace) in order to allow changes to the approved plans including the increase in size and ridge height of the 'L-shaped' dormer, conversion of the garage into a kitchen with two windows, amendments revising the internal arrangements, elevational alterations and window fenestration.

The majority of the external works have already been carried out.

**Location and Key Constraints**

The application site comprises a semi-detached residential dwellinghouse located on the northern side of Blakeney Avenue. Blakeney Avenue comprises mainly semi-detached residential dwellinghouses with a block of flats (1-16 Rye Court) located at the end of the cul-de-sac.

The application property is not listed and does not lie within a conservation area.

**Comments from Local Residents and Groups**

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

- o Previous applications have been refused by planning committee including the conversion into flats being unacceptable in principle
- o Objections to more than one kitchen in the property.
- o Significant number of objections
- o Drawings are inaccurate
- o Stealthy attempt to change to property into multi-occupancy flats
- o Increase parking demand on already overcrowded and congested roads
- o Inconsiderate parking outside neighbouring drives/entrances

- o Inconsiderate parking results in vehicles not being able to negotiate the road/turns properly. Bromley Council's refuse vehicles have had problems
- o Neighbours will be inconvenienced by the development
- o Will have a knock on effect on the maintenance of Monivea Road, which is unmade and unadopted. This is paid for by the residents. This road will suffer increased wear and tear, while a property developer makes more money at neighbouring expense.
- o Careless driving and there is no recognised pavement of Monivea Road. Forcing additional cars on the road will make it worse
- o Sets a precedent
- o This application should be viewed in the broader context of all other applications for this site. Cllrs refused scheme to convert property into flats 'in principle' but officers changed reason for refusal to include '3' thereby diluting the reason and weakening refusal.
- o Permitted limit for a loft extension has been exceeded
- o The rear dormer is out of balance and out-of-keeping. Negative impact on the property and neighbouring dwellings.
- o Roof additions out of sync with the rest of the road.
- o No further development should be permitted and enforcement action should be taken.
- o Work has already been carried out and they are in breach of the previous conditions imposed.
- o Much of this has been carried out in the expectation that the subsequent application to sub-divide the property into 3 flats would be allowed.
- o The external alterations have been completed. On the basis of the information provided it is impossible for residents to comment on what is proposed due to inaccuracies on drawings and statements.
- o Height of the dormer exceeds the main roof creating visual imbalance between the adjoining properties.
- o The appearance is a 'bleak monolithic extension that towers over adjacent properties and (because of its sheer bulk) further afield'.
- o Appearance is made worse by the use of dark grey for the window frames and sills. Gives institutional and negative impression that is unattractive and does not enhance the property.
- o Will lead to a higher level of occupancy and will have a negative impact on privacy enjoyed by neighbouring properties
- o Garage conversion has been undertaken, harmful to the symmetry of the house. Windows are out of scale and brickwork is poor. The overhang from the garage has been left in place.
- o Concerns about the wooden lintel being used and lack of footings.
- o Loss of garage increases parking pressures and the front of the property only affords limited parking (only one dropped kerb available). The property is a large seven bedroom development it is likely that more than one car will be needed.
- o Parking on Blakeney Avenue is already stressed. Quoted previous comments from the Highway officer regarding parking/highway concerns for the refused application for flats (17/03525/FULL1). With the complete loss of the garage consider similar issues still apply to the proposal.
- o Development fails to meet the standards required by Bromley in their UDP. Work differs from the plans submitted.
- o Overdevelopment of the property.
- o Conversion of the garage is contrary to UDP BE1 as it is not to a high standard of design and detracts from the streetscene.
- o Loft extension clearly in breach and does not represent a sympathetic and suitable conversion to the period property in an area of family houses.

- o Loft is visible from the front of the property and changes the appearance of the row of houses.
- o Structural Concerns
- o Highways team have been clear about concerns regarding road safety regarding a multi-household property, which is completely inappropriate for this site.
- o Concerns about emergency vehicle access.
- o Applicant has used planning-law, which is designed to allow families to grow their home as a way of creating a multi-household property. It is now large enough for conversion due to breaches in permitted development and would have unlikely been granted if applied for all at the same time. This will set a precedent.
- o The changes applied for are so dramatic that the developer should submit a full planning application, along with volume calculations for the dormer. Should include a design and access statement in accordance with BE1. Very difficult for residents to comment without this information. Likely they have exceeded 50m<sup>3</sup>.
- o Loft extension does not complement the scale or form of the Number 13 or adjacent properties. Neighbouring properties have not been extended to this degree.
- o Makes house very top-heavy, harms character and appearance of the skyline and is not in keeping with the Victorian look of the houses.
- o Overshadowing from roof extensions
- o Loss of amenity
- o Increased noise and disturbance
- o Reduced privacy and overlooking from increased number of occupants
- o Dormers are a bulky and incongruent addition, which fail to respect the proportions of the building and neighbouring dwellings.
- o Materials used do not complement the adjacent building or property
- o Condition 5 states the building should not be severed. Alterations have been made which are not on the proposed plans.
- o The dormer is at odds with Policy H8
- o This application should not be considered
- o Has been carried out outside of normal building regulations
- o The development is an over intensification of the site
- o Roof has been increased by 0.5m (the original roof not dormer). This increase means there is a lack of symmetry between the roof heights of 15 and number 13.
- o Council is allowing development without consideration of concerns/comments of neighbours.
- o Description of development is incorrect
- o It is down to the discretion of the LPA as to whether changes constitute a minor amendment but is it considered the amendments sought are material/significant in terms of scale, they would result in a materially detrimental impact (visually and amenity), they would contrary to development plan policy and there would be a significant increase in site coverage/height of buildings. If they fail just one of these tests then changes should not constitute a minor amendment.
- o The approved dormer was lower in height, narrower in width and had a reasonable set-in from the eaves. This meant it was subordinate to the outrigger and the principle rear roof slope. It also maintained original eaves line. The impact should be viewed against the other extensions to the property and cumulatively these have a negative impact on its character.
- o Depths and proportions of the windows at the front do not sympathetically reflect the depth and proportions of the existing sash windows.
- o Objections to developers being allowed to submit amendment plans. Should have been refused if they were inaccurate.
- o Comments/objections about number of applications submitted and outstanding, together with appeal process.

- o The intent is to sub-divide the property and all the change are to provide necessary requirements. If committee accepts these changes they are in practice accepting the principle that sub-division is to be allowed, but this was rejected under 17/03525.
- o In responding to 17/01744/FULL6, particular attention was given to the scale of the extension. The extension as built is larger than considered.
- o Side windows provide significant loss of privacy and amenity to number 11, with direct overlooking. They will also result in noise contrary to policy BE1. Other councils do not accept side windows.
- o While plans have been updated to be in line with what has been constructed, there is still one omission and that relates to the internal walls being constructed. If this is approved similar conditions should be imposed requiring retention in accordance with approved plans.

### **Comments from Consultees**

Highways: There are parking issues on this narrow road.

The development will result in loss of one parking space by conversion of the garage to a habitable accommodation. However, there are spaces available within the site's curtilage which would be utilised for parking. Therefore on balance as it is a small development I raise no objection to this proposal.

Please include the following with any permission:

#### **CONDITIONS**

H03 (Car Parking)

H32 Highway Drainage

### **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:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o 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

H8 Residential extensions

T3 Parking

T18 Road safety

Emerging Local Plan

6 Residential Extensions

30 Parking

32 Road Safety

37 General Design of Development

Supplementary Planning Guidance

Supplementary Planning Guidance 1 General Design Principles

Supplementary Planning Guidance 2 Residential Design Guidance

National Planning Practice Guidance (NPPG)

### **Planning History**

The relevant planning history relating to the application site is summarised as follows:

16/04172/HHPA-Single storey rear extension, extending beyond the rear wall of the original house by 6m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)-Prior Approval Not Required- Date issued-12.10.2016

16/04834/PLUD-Construction of a ground floor 6x4.5m extension for which prior approval was determined under ref 16/04172/HHPA, construction of a two storey 3m extension and construction of rear dormers to form a loft room -LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)-Proposed Development is not Lawful- Date issued-29.11.2016

16/05521/PLUD-Construction of a ground floor 6m x 4.5m extension for which prior approval was not required under ref: 16/04172/HHPA, construction of a ground floor 3m extension and construction of rear dormers to form a loft room LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)-Proposed Development is Lawful- Date issued-16.01.2017

17/01744/FULL6-Part conversion of garage, single storey rear extension and rear dormer extensions to form habitable accommodation in the roofspace. - Application Permitted- Date issued-15.06.2017.

Condition 3:

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.

Condition 5:

5. The additional accommodation hereby approved shall be used only by members of the household occupying the dwelling at 13 Blakeney Avenue; and shall not be severed to form a separate self-contained unit

Reason: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and un-associated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

17/03525/FULL1 - Conversion of single family dwelling into 2 x 1 bedroom and 1 x 2 bedroom flats. Refused for the following reasons:

1. The proposed conversion would lead to a poor standard of residential accommodation, resulting in an over-intensification of the site, contrary to Policy 3.5 of the London Plan (2016) and Policy H11 of the Unitary Development Plan (2006) and Draft Policy 9 of Bromley's Emerging Draft Local Plan (2016).
2. The proposed parking layout is inappropriate for two cars, this would lead to undue manoeuvring and additional pressure on neighbouring streets by cars being parked surrounding roads, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan (2006) and Draft Policy 32 of Bromley's Emerging Draft Local Plan (2016).
3. The conversion of the host dwelling into 3 flats would be unacceptable in principle, out of character with the prevailing pattern, character and distinctive residential qualities of the locality, thereby contrary to Policies BE1 and H11 of the Unitary Development Plan, Policies 9 and 37 of the draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

The refusal of planning permission for the above application has now been appealed to the Secretary of State under ref: APP/G5180/W/18/3194638 and is pending consideration.

17/05869/FULL1 - Conversion of the existing dwelling into 2 dwellings. Currently under consideration

### **Considerations**

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

- o Design
- o Highways
- o Neighbouring amenity

The National Planning Practice Guidance (NPPG) explains that an application can be made under Section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a Section 73 application is to seek a 'minor material amendment', where there is a relevant condition

that can be varied. Paragraph 017 of the NPPG goes on to explain that there is no statutory definition of a 'minor material amendment' but 'it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from one which has been approved.'

The current application seeks to vary Condition 3 of planning ref: 17/01744/FULL3 in order to allow variations to the approved plans.

### **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. In particular Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area.

Policies H8 and BE1 of the UDP and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.

It is noted that there is planning history for the site, including a Lawful Development Certificate applications for roof alterations and single-storey rear additions. A subsequent planning application was submitted under ref: 17/01744/FULL6, for the 'Part conversion of the garage, single-storey rear extension and rear dormer extensions to form habitable accommodation in the roof space'. This included the provision of 7 bedrooms within the property, which is similar to the current arrangement. Members resolved to grant planning permission for that development.

The principle of roof alterations, including an 'L-shaped' dormer over the rear outrigger has therefore been established.

The original scheme included a large full width rear dormer (5.6m width). It also included a 2.3m deep and 2.1m width roof extension over the outrigger.

The development as built includes a dormer which measures 5.4m in width. This equates to a reduction of around 200mm but the overall height has been increased. The topmost section of the roof now sits just above apex of the roof. This level of protrusion is not considered to be significant or easily discernible from the street, particularly when viewed against the existing dark roof tiles. The side of the dormer is noticeable from the public realm within Blakeney Avenue; however this is mostly screened by the roof of the two-storey side element. It is set-in from the gable end by approximately 300mm, which differentiates it from the gable end/pitch of the original rear roof slope when viewed from Blakeney Avenue.

The visual impact of this arrangement on the character and appearance of the dwelling and semi-detached pair, when viewed from within Blakeney Avenue, is not considered to be materially different to the approved scheme.

The rear elevation includes a significant amount of built development, which is visible from neighbouring properties, gardens and there is also a railway line at the rear.

Along with the changes to the main dormer outlined above, there is also an increase in the scale of the roof addition over the rear outrigger. This includes an increase by approximately 0.4m in depth, 1.2m in width and 0.5m in height. A small triangular section of roof has also been added which links the main dormer to the extension over the outrigger. There has also been a partial change in the eaves height of the roof of the two-storey outrigger, which has been marginally raised.

The approved roof addition over this outrigger was set-back from the eaves line and its scale was smaller and more subservient in appearance. The development as built, particularly due to the use of such dark roof tiles, is bulkier in appearance. However the principle of an 'L-shaped' roof addition across the rear roof slope and outrigger has already been accepted and there continues to be a significant set-back from the rear wall of the outrigger. Similar arrangements can be built under permitted development and whilst the proposal does add some additional bulk, this is not considered to significantly more incongruous or unbalancing than the scheme as originally permitted. The eaves/pitch of the roof across part of the outrigger has been marginally raised, but the impact on the appearance and symmetry of the property and semi-detached pair is not considered to be significantly harmful.

The proposal also includes the conversion of the garage, which has now been infilled and two windows have been inserted in its place. Concerns have been raised around the structural integrity of this amendment; however these matters are controlled by building regulations and are beyond the scope of this assessment. The original scheme included the partial removal of this garage, but the revisions have resulted in changes to the internal layout, including the extension of the kitchen. The windows inserted into this space are considered to be similar to the proportions of the windows on the wider property. The loss of the garage and introduction of these windows has not resulted in detrimental harm to the character and appearance of the property.

There have also been changes to the wider fenestration, including the use of dark window frames. The windows on the front roof slope are more evenly spaced than the approved scheme and do not project significantly from the plane of the front roof profile. New high level windows have been inserted into the side elevation of the ground floor addition but these are small and given their height and location there is limited impact on the appearance of the property. A further window on the side elevation has been shifted back towards the rear elevation of the outrigger, but this is not considered to be significantly different to the approved arrangement. Furthermore, the window proportions and glazing pattern of the upper floor windows within the rear have also been amended, however they are located to the rear and the sash glazing pattern is more sympathetic than the casement style previously approved. The changes are not considered to impact detrimentally on the character and appearance of the property. A number of the above changes could potentially be carried out under permitted development.

Members may therefore consider that the changes constitute a minor material amendment and have not resulted in significant harm to the character and appearance of the property, semi-detached pair or area in general.

### **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.

The approved scheme included the partial conversion of the garage into habitable accommodation. The officer at the time observed that the remaining area would be used for storage and that 'The existing driveway can accommodate parking for two cars, the loss of the existing garage is not considered to result in any significant harm to parking'.

The current proposal seeks consent for the conversion of the entire garage to habitable accommodation.

In this case the number of bedrooms would be as previously approved and off-street parking is available on the frontage. The Council's Highways officer has highlighted that there would be a loss in one parking space by conversion of the garage but has not raised objections to this loss due to the scale of the development. The area of garage space retained within the approved scheme was not large, being around 3m shorter in depth than the prescribed standard for garages outlined within Appendix II of the UDP. Furthermore the previous case officer noted that this would have been used for storage purposes.

There have been a significant number of objections in respect of this application which partly relate to an intention to sub-divide the property into flats, together with the subsequent highway impact from the current development. It is noted that a separate planning application (17/05869/FULL1) has been submitted to form two residential dwellings, however, the current application relates to a single-dwellinghouse only. Notwithstanding this point, there has been a separate application (Ref: 17/03525/FULL1), which was refused by Members for the conversion of the property into self-contained flats and of material relevance is one of the reasons for refusal, which was based on parking grounds. This was as follows:

2. The proposed parking layout is inappropriate for two cars, this would lead to undue manoeuvring and additional pressure on neighbouring streets by cars being parked surrounding roads, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan (2006) and Draft Policy 32 of Bromley's Emerging Draft Local Plan (2016).

The report to Members at the time observed that 'The previous application on the site: 17/01744/FULL6 for part conversion of garage, single storey rear extension and rear dormer extensions to form habitable accommodation in the roof space was not considered to be detrimental to Highway safety, but, this application is to convert this single family dwelling into 2 x 1 bedroom and 1 x 2 bedroom flats. There is space to park 2 cars for a single dwelling, as there is scope to 'shuffle' cars along the front hardstanding in order for residents to park. However, the shuffling of parked cars for flatted accommodation is deemed to be inappropriate.'

However, as noted above, the current application relates to a single dwellinghouse only and does not relate to the conversion into flats. The number of bedrooms is as previously approved under ref: 17/01744/FULL6 and no specific objections have been raised by the Council's Highways officer. Parking for 2 cars would still be available on the frontage.

Members may therefore consider the conversion of the garage is acceptable as it is not be materially different to the approved arrangement and would not therefore result in additional parking pressures, detrimental to pedestrian and highway safety.

### **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 amendments to the roof additions have resulted in some additional bulk, however they are considered to be set back sufficiently from the shared boundary with Number 11, which is detached from the host dwelling and also benefits from a single-storey rear addition along the boundary line. This arrangement is considered to suitably mitigate the visual impact of the changes and it would not result in a material loss of outlook, overbearing impact or loss of light.

The application property adjoins number 15 Blakeney Avenue; this property is located to the west of the application site. As stated above, the principle of a large dormer and extension over the outrigger has already been assessed and deemed acceptable, whilst the roof additions would be bulkier, the increase in height, depth and general scale is not considered to be detrimental to residential and visual amenities of this neighbouring occupier given the location and established permission.

There is already an existing degree of overlooking towards the rear gardens from the existing and approved arrangements. The change in the fenestration would not result in a loss of privacy or overlooking over and above this established arrangement. The two windows in the side elevation are located at ground floor level but are non-obscured. They are high level windows, which face onto the wall of the neighbouring extension at number 11, however given this arrangement no significant loss of privacy or overlooking is expected.

The internal changes and extension of the kitchen would not result in a significant level of noise or general disturbance over and above the established arrangement.

### **Conclusion**

Members may therefore consider that the proposed amendments constitute a minor material amendment and would not result in material harm to the character and appearance of the area, neighbouring residential amenities and would not result in an unacceptable highway impact.

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 15th June 2020**

**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** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority

**REASON:** In order to prevent an overdevelopment of the site and to enable the Council to consider all further development in compliance with Policy BE1 and H8 of the Unitary Development Plan.

- 5** The additional accommodation hereby approved shall be used only by members of the household occupying the dwelling at 13 Blakeney Avenue; and shall not be severed to form a separate self-contained unit

**REASON:** In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.