

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

**Application No :** 18/00815/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 33 Birchwood Road, Petts Wood,  
Orpington BR5 1NX

**OS Grid Ref:** E: 545026 N: 168129

**Applicant :** Mr And Mrs Andrew And Sharon Wedge **Objections :** YES

**Description of Development:**

Single storey rear extension incorporating replacement balcony and extended patio and loft conversion with side and rear dormers and front and side rooflights.

Key designations:

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

**Proposal**

It is proposed to add a single storey rear extension which would incorporate a replacement balcony and extended patio, along with roof extensions comprising side and rear dormers and front and side rooflights.

The proposed single storey rear extension would project 2.8-3.3m to the rear and would be set back 3.2m from the western flank boundary with No.35. It would infill the area adjacent to the extension two storey rear extension at the property.

The existing catslide roof to the western side of the dwelling currently has a side dormer window, and it is proposed to add a second dormer adjacent to it that would be of the same size and design. It is also proposed to add a rear dormer extension, three rooflights to the front roof slope and one to the eastern and western roof slopes in order to provide accommodation within the roof space

**Location and Key Constraints**

This detached two storey dwelling is located on the southern side of Birchwood Road, and lies within Petts Wood Area of Special Residential Character. The surrounding area is generally characterised by large detached dwellings set within spacious plots.

The dwelling currently has a rear first floor balcony with access from a bedroom, and a two storey rear extension to its eastern side.

## **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**

- The catslide roof and additional dormer window should not come any closer to No.35 than at present
- The side dormer should be obscure glazed
- Possible overlooking of neighbouring gardens from rear balcony.

### **Local Groups (Petts Wood & District Residents' Association)**

- The front roof lights require permission as a result of the Article 4 Direction
- The front rooflights should be re-located to a less visible elevation in order to preserve the original front roof slope.

The application has been called into committee by a Ward Councillor.

## **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration.

The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

#### London Plan Policies

7.4 Local character  
7.6 Architecture

#### Unitary Development Plan

H8 Residential extensions  
H10 Areas of Special Residential Character  
BE1 Design of new development

#### Draft Local Plan

6 Residential Extensions  
37 General Design of Development  
44 Areas of Special Residential Character

#### 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:

Permission was refused in December 2017 (ref.17/04713) for a two storey rear extension, a first floor side extension and a single storey rear extension with balcony over and extended patio on the following grounds:

- 1 The proposed first floor side extension would not appear subservient to the host dwelling, and its size, bulk and close proximity to the side boundary of the site would result in a cramped form of development that would have a detrimental impact on the character and spatial standards of Petts Wood ASRC, thereby contrary to Policies H8, H9 H10 and BE1 of the Unitary Development Plan and draft Policies 6, 8, 37 and 44 of the emerging Local Plan.
- 2 The proposed first floor/two storey side/rear extension would, by reason of its size, bulk and close proximity to the boundary with No.35 Birchwood

Road, result in a significant loss of light to and outlook from this property, detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan and draft Policy 37 of the emerging Local Plan.

## **Considerations**

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

- Resubmission
- Design and Impact on Petts Wood Area of Special Residential Character
- Neighbouring amenity
- CIL

### Resubmission

The proposals have been revised since the 2017 refusal by replacing the first floor side extension with a side dormer, and changing the two storey rear extension to a single storey rear extension.

A rear dormer extension and front and side rooflights are now proposed in the current scheme.

### Design and Impact on Petts Wood Area of Special Residential Character

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.

This property is located within an Area of Special Residential Character which is characterised by large detached dwellings with good separations provided to the side boundaries. The dwelling currently has a catslide roof on its western side with a small side dormer window, and the introduction of an additional side dormer in this roof slope would appear considerably less bulky in the street scene than the first floor side extension previously proposed in the refused scheme. Furthermore, the Council's side space policy would not now be contravened, and the revised proposals would satisfactorily overcome the first ground for refusal.

The proposals also include three rooflights in the front roof slope which would serve a bedroom and dressing room at second floor level. Permission is required for the rooflights by virtue of a recent Article 4 Direction which covers Petts Wood Area of Special Residential Character and removes "permitted development" rights for alterations or additions to a front roof slope.

There are a number of examples of front rooflights in the road, including at Nos.16, 19 and 22, and in particular, No.16 has a similar arrangement of three front rooflights which was permitted in 2008. The proposals would not therefore detract from the appearance of the dwelling, nor appear out of character with Petts Wood Area of Special Residential Character.

### 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 proposed side dormer in the western roof slope would be obscure glazed and would not result in overlooking of the adjacent property at No.35. The proposed single storey rear extension would project 3.3m to the rear, set back 3.2m from the western flank boundary with No.35, and would not result in undue loss of light or outlook from the neighbouring property. The second ground for refusal of the 2017 scheme would therefore be overcome.

The proposed rear balcony would replace an existing balcony, and would be largely screened from the adjacent properties by the existing two storey rear extension to the east, and the proposed single storey rear extension with pitched roof to the west.

Subject to the imposition of a condition regarding the use and retention of obscure glazing to the proposed side dormer window, it is not considered that an unacceptable loss of light, privacy or prospect to neighbouring dwellings would arise.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

### **Conclusion**

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

**as amended by documents received on 09.04.2018**

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**REASON:** Section 91, Town and Country Planning Act 1990.

- 2** Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4** Before the development hereby permitted is first occupied, the proposed dormer window in the western flank 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 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.