

SECTION '2' – Applications meriting special consideration

Application No : 17/04841/FULL1

Ward:
Penge And Cator

Address : 53 High Street Penge London SE20 7HW

OS Grid Ref: E: 535169 N: 170496

Applicant : Mr B Hoffman

Objections : YES

Description of Development:

Demolition of rear 'outrigger' extension, construction of new four storey rear extension and conversion of building from two flats to 2 x 2 bedroom flats and 2 x 1 bedroom flats

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 1

Proposal

Planning permission is sought for demolition of the existing rear outrigger extension and the construction of a new four storey rear extension and conversion of the rear of the building from two flats (located on the first and second floors) to 2 x 2 bedroom flats (located on the first and second floor) and 2 x 1 bedroom flats (located on the ground floor and in the roof).

The application has been amended since the original submission with a revised drawing being received on 6th February 2018.

The application is accompanied by a Design & Access Statement.

Location and Key Constraints

The application is located on the northern side of High Street, Penge and encompasses a mid-terrace property that has been divided to form a commercial use and upper floors of properties being used as residential. The surrounding area comprises a mixture of other commercial units on the ground floor with residential development above.

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

- I wish to object to this proposal of this extension to 53 Penge High Street.
- There is a development two/three doors up from this proposed extension and it is an eyesore & too big. This development is closed to my home so adding to the above comments this would also mean lack of light into our garden and home at Stoneleigh.
- I appreciate developments in London and it seems particularly in a Penge but this is just a ridiculous large and unnecessary.
- This is yet another example of the dreadful series of in-fill projects that have been going on for several years now in our neighbourhood. The very tall building that is already going in next door to this is blocking out a lot of our light, and we didn't even get a chance to object to that one.

- This one will block out even more light. This is in addition to the project replacing the old factory which is also a disgrace - considerably taller than we were promised.
- Soon our garden will be surrounded by multistorey buildings that are completely inappropriate for the area, and we will have to go to the park for some sunshine.

Comments from Consultees

Highways: The development is located on the A234 High St, between the junctions with Kingswood Rd and Mosslea Rd. High St is a London Distributor Rd and part of the Transport for London's Strategic Rd Network.

The development is in an area with a PTAL rating of 4 (on a scale where 0-6b) where 6b is the most accessible. No parking would be provided. The site is considered accessible to public transport links, being within walking distance of bus routes and a rail station.

A recent overnight parking survey observed that 36 unrestricted parking spaces were available out of a total of 247.

Please include the following conditions with any permission:

H18 (Refuse)

H22 (Cycle parking)

H29 (Construction Management Plan)

Non-standard condition - offer the first resident a 2yr annual membership of a local car club.

TfL:

1. The application site is located on the A234 High Street, which forms part of the Strategic Road Network (SRN). TfL has a duty under the Traffic Management Act 2004 to ensure that any development does not have an adverse impact on the SRN.
2. It is understood that the proposed development seeks to provide 4 residential units (2 x two bedroom and 2 x one bedroom units).
3. TfL welcomes the car-free nature of the development.
4. A minimum of 8 long stay cycle spaces should be provided in line with the new draft London Plan standards. All cycle parking should be located in a secure, accessible and well-lit area.
5. The footway and carriageway on the A234 High Street must not be blocked during the development. Temporary obstructions during the development must be kept to a minimum and should not encroach on the clear space needed to provide safe passage for pedestrians or obstruct the flow of traffic on the A234 High Street

Subject to the above conditions being met, the proposal as it stands would not result in an unacceptable impact to the SRN.

Environmental Health (Pollution): I have considered this application and in principle would have no objections to permission being granted. I would however recommend that

you seek the views of the Residential Team regarding housing and natural lighting standards, particularly as the ground floor rooms appear to have no natural light or ventilation.

Thames Water: no comments received

Drainage: no comment

Planning History

Other relevant planning history 03/04137/VAR permission was granted for continued use of snack bar (Class A3) including retention of ventilation system at rear (variation of condition 3 of permission 00/03252).

Under planning application ref:- 00/03252/FULL2 planning permission was granted for change of use from estate agents (Class A2) to snack bar (Class A3).

Under planning application ref:- 87/02681/FUL planning permission was granted for change of use of ground floor from office to estate agents.

Under planning application ref:- 84/01490/FUL planning permission was granted for a change of use from printers to restaurant.

Under planning application ref:- 84/00462/EUC a certificate of lawful development was granted for use of ground floor as offices and storeroom and upper floors as residential accommodation.

Other relevant planning histories

No.51 High St

Under planning application ref:- 16/04988 planning permission was granted for a single storey rear extension with part two/three storey rear external alterations including partial demolition.

No.2A Kingswood Rd

Under planning application ref:- 13/04218 planning permission was granted for demolition of existing industrial building and ancillary offices and erection of a two storey building providing four 2 bedroom flats with associated landscaping, parking, cycle and bin storage.

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.

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (2016 consolidated). Relevant policies and guidance in the form of the National Planning Policy Framework (NPPF), National Planning Policy Guidance (NPPG) as well as other guidance and relevant legislation must also be taken into account.

Relevant policies and guidance of the National Planning Policy Framework (NPPF) (2012) and National Planning Practice Guidance (NPPG) include:

- 14 Achieving sustainable development
- 17 Core planning principles
- 29 - 41 Promoting sustainable transport
- 47 - 50 Delivering a wide choice of high quality homes
- 56 - 66 Requiring Good Design
- 93-103 Meeting the challenge of climate change & flooding
- 196-197 Determining applications
- 203-206 Planning conditions and obligations

London Plan:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity

- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

Relevant Unitary Development Plan policies include the following:

- BE1 Design of New Development
- BE4 The Public Realm
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- ER10 Light pollution
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

Emerging Bromley Local Plan:

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Relevant Policies from the emerging Local Plan include the following:

- Draft Policy 1 - Housing Supply
- Draft Policy 4 - Housing Design
- Draft Policy 8 - Side Space
- Draft Policy 30 - Parking
- Draft Policy 32 - Road Safety
- Draft Policy 33 - Access for All
- Draft Policy 34 - Highway Infrastructure Provision
- Draft Policy 37 - General design of development
- Draft Policy 77 - Landscape Quality and Character
- Draft Policy 96 - Local Neighbourhood Centres, Parades and individual Shops
- Draft Policy 112 - Planning for Sustainable Waste management
- Draft Policy 113 - Waste Management in New Development
- Draft Policy 115 - Reducing flood risk
- Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
- Draft Policy 117- Water and Wastewater Infrastructure Capacity
- Draft Policy 118 - Contaminated Land
- Draft Policy 119 - Noise Pollution

Draft Policy 120 - Air Quality
Draft Policy 122 - Light Pollution
Draft Policy 123 - Sustainable Design and Construction
Draft Policy 124 - Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Considerations

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

- o Principle
- o Design
- o Standard of residential accommodation
- o Highways
- o Neighbouring amenity
- o CIL

Principle

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Paragraph 53 of the NPPF details that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land within Annex 2 of the NPPF

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The site is located in a commercial/residential area of High St Penge. The ground floor unit comprises an existing shopfront (café) at ground floor with two flats above. One additional

residential flat is to be added on the ground floor (behind the existing shop) and one in the roof. The existing residential accommodation on the first and second floors is to be increased forming two bedroom flats.

The provision of a four storey rear extension and additional residential accommodation needs to be assessed in regard to the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy and safety and refuse arrangements.

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. UDP Policy BE1 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy 7.6 of the London Plan requires architecture to make a positive contribution to a coherent public realm, incorporating the highest quality materials and design appropriate to its content and, amongst other things, provide high quality indoor and outdoor spaces and integrate well with surrounding streets and open spaces.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to

create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings. Draft Policy 37 additionally requires that recycling and waste storage facilities are incorporated within the design layout.

The proposed development is solely positioned to the rear of the premises and is currently laid out with commercial space and an outdoor yard to the ground floor, with residential accommodation on the upper two floors. The submitted drawings show the applicant wishes to extend the amount of residential development from 2 flats on the first and second floors to a studio flat on the ground floor and 2 x 2 bedroom flats on the first and second floors and a 1 x 1 bedroom flat in the roof.

The proposed development will add considerable bulk and scale to the rear of the premises. The ground floor rear extension (which incorporates a studio flat) will utilise a large proportion of the existing footprint of the garden with the exception of a small area which is to be utilised as amenity space. At ground floor level the studio flat will be built to the boundary with No.55, which itself has a rear extension which extends to the shared boundary. At first, second and roof level the extension will be 4m deeper and 0.6m wider to allow the existing residential flats to be increased in size from one bedroom to two. The extension would also be around 4m taller in height, extending above the existing eaves height to allow for a one bedroom flat to be located in the roof. The increase in height, above the height of the existing eaves is considered to be an overdevelopment.

A material consideration in the determination of the application is development which has taken place at No. 51 & No 47 High St, which have been extended in a similar manner to the current proposal and permission was granted for this development in 2016 & 2013. However it should be noted that Enforcement action is currently pending consideration regards the building of No.51 which appears to be built higher than the planning permission allows and includes a rear balcony.

Whilst the principle of rear extensions has been accepted in the immediate vicinity, there are considered to be mitigating circumstances which need to be taken into account before a direct comparison can be made with the neighbouring development which could be considered a potential precedent. Firstly, the development at No.51 appears to have been built bigger than the plans allowed; secondly, the development at No.51 was built before the residential application, at No.2a Kingswood Rd (located to the rear of No.51 & 53) was built and would now result in an oppressive outlook for potential residential of the development at No.51. Thirdly, the proposed development at No.53 would be deeper at ground floor level than that allowed at No.51 and the approved drawings at No.51 did not allow development to extend past the eaves height of the existing roof.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of

occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

Based on the floorplan submitted the layout of each of the flats appears broadly acceptable. The London Plan requires that the gross internal area (GIA) of a two bedroom flat for a studio flat is 37sqm, a two bedroom 3 person flat 61sqm and a one bedroom 2 person flat 50sqm.

Flat 1 (Ground floor): 42sqm

Flat 2 (First floor): 70sqm

Flat 3 (Second floor): 70sqm

Flat 4 (Roof): 65sqm.

Based on the above room sizes the flat sizes are considered acceptable.

Amenity Space

Flat 1 provides approximately 18sqm of amenity space. The upper floor flats are not afforded any outdoor space, however, there are currently already two existing flats in existence which do not provide any amenity provision. On balance given the location of Crystal Palace Park is within 250m the provision for the upper floor flats are considered acceptable in this case.

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.

In relation to parking and highway, the site is located within a high PTAL area and no objections have been received from the Council's highways officer. The site lies within close proximity to Penge East & West train stations and Penge High Street which has several bus routes.

Paragraph 206 of the NPPF states planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;
5. precise and;

The Highways Officer has requested a non-standard condition - offering the first resident a 2yr annual membership of a local car club. It is considered that it would not meet the tests as stated above and has therefore not been included in the list of conditions, in this form.

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 main impact of the proposal would be on the immediate neighbouring occupiers. No.51 already has an existing three/four storey rear extension so the main impact of the development will be to No.55, however, the studio flat to be built on the ground floor would be deeper than what has been built at No.51 and would therefore could cause a loss of light and prospect.

The four storey rear extension will contain windows in the flank and rear elevations leading to some overlooking, however, windows currently exist in the rear and flank elevations so it may be considered that the overlooking will be no worse than the existing arrangement. The extension will face the development currently under construction at No.2a Kingswood Rd. Two high level windows have been built in this elevation but as shown on the drawings these windows will obscure glazed. The relationship between No.2a and No.53 will result in the development at No.53 being located within close proximity to No.2a and the potential occupants of No.53 would be faced will a limited outlook.

Summary

In conclusion, the development proposal would by reason of its scale and bulk would result in a cramped form of development.

CIL

The Mayor of London's CIL is a material consideration. CIL would be payable on this proposal.

as amended by documents received on 06.02.2018

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposed four storey rear extension by reason of its scale and bulk and proximity to the rear boundary and above the height of the existing eaves which would result in a cramped form of development, which if permitted would be detrimental to the character and appearance of the area and be considered an oppressive form of development for future occupiers of the development contrary to Policies H8, and BE1 of the Unitary Development Plan and Policies 6 & 37 of the Draft Unitary Development Plan.