

SECTION '2' – Applications meriting special consideration

Application No : 18/02027/FULL6

Ward:
Farnborough and Crofton

Address : 47 Tubbenden Lane, Orpington
BR6 9PW

OS Grid Ref: E: 545370 N: 165479

Applicant : Mrs J Rooprai

Objections : YES

Description of Development:

Part one/two storey side and rear extensions and widened crossover

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 14

Proposal

Planning permission is sought for a part one/two storey side and rear extensions and widened crossover. The proposed extension would project to the side of the existing house by 3.6m and to the rear by 3.1m at single storey. The two storey element of the proposal would project 1.5m beyond the rear wall of the existing house. The proposal includes the extension along the main roof ridge by 3.5m in width and would maintain a hipped roof to match that of the existing house. The application also includes the removal of the existing garage and widening of the existing vehicular access.

The proposed two storey side extension would be constructed up to the south-western boundary at the front, widening out to a side space of 0.3m at the rear.

Location and Key Constraints

The application site comprises a semi-detached dwelling located on the south-western side of Tubbenden Lane, adjacent to a sub-station. The surrounding area is residential, characterised by a mixed of detached, semi-detached and terraced dwellings set within varying sized plots.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no comments were received.

Comments from Consultees

Highways - From a technical highways perspective no objections are raised in principle to the proposal.

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 7.4 Local Character
Policy 7.6 Architecture.

Unitary Development Plan

BE1 Design of New Development
H8 Residential Extensions
H9 Side Space

Emerging Local Plan

Draft Policy 6 Residential extensions.
Draft Policy 8 Side space
Draft Policy 37 General design of development.

Supplementary Planning Guidance

Supplementary Planning Guidance 1 (General Design Principles)
Supplementary Planning Guidance 2 (Residential Design Guidance)

Planning History

There most recent planning history at the site is as follows:

- 08/02287/FULL6- Part one/two storey front/side/rear extension- Refused but later allowed on appeal
- 12/00202/EXTEND Extension of time limit for implementation of permission reference 08/02287 granted for part one/two storey front/side/rear extension

Considerations

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

- Design
- Highways
- Neighbouring amenity
- CIL

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.

Policies BE1 and H8 are relevant to this application. Policy H8 requires that the design including the scale, form and materials of construction should respect or complement the host dwelling, being compatible with development in the surrounding area. Policy BE1 states that development proposals will be expected to be of a high standard of design and layout and should be attractive to look at, complementing the scale, form, layout and materials of adjacent buildings and areas. Policy H9 is also relevant, stating that the Council will normally require a minimum of 1m side space from the side boundary of the site to be retained in the case of a proposal two or more storeys in height.

The proposed two storey side extension would maintain a hipped roof to the same design as the host dwelling. The overall width would be less than half the width of the main dwelling.

It is noted that the existing garage is to be removed as part of this application and the proposed two storey extension would maintain less than the 1m side space normally sought under Policy H9. However, a two storey proposal was allowed on appeal under ref. 08/02287 and later under ref. 12/00202 as an extension of time. The previous inspector stated that although the proposal would conflict with Policy H9, the "extension of the property as shown would still retain a good impression of space and separation around the property due to the area of open land that adjoins the appeal site". Given that the application site is located adjacent to amenity land and a sub-station, it is not considered that a reduction in spatial standards would arise.

Having regard to the form, scale and siting it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

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.

Whilst the number of bedrooms at the property would increase as a result of the extensions, two cars can be accommodated at the site and there are no technical

objections to the proposal. No objections have been raised with regards to the widening of the existing access.

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.

Nearby neighbours were notified of the proposal and no representations were received. The proposed two storey extension would be to the side of the property and adjacent to an existing sub-station. Given that this part of the scheme is located at adequate distances from adjoining neighbours it is not considered to be harmful to nearby residential amenities.

The single storey element of the proposal would extend along the shared boundary with No. 45. This neighbour also benefits from a single storey extension and it is not considered that loss of daylight/sunlight would occur.

CIL

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

Conclusion

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

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

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

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

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby**

permitted shall as far as is practicable match those of the existing building.

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

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

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

- 4** Before the development hereby permitted is first occupied the proposed window(s) in the flank roofslope elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan