

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

**Application No :** 18/02285/RECON

**Ward:**  
**Petts Wood And Knoll**

**Address :** 10 Wood Ride, Petts Wood, Orpington  
BR5 1PX

**OS Grid Ref:** E: 545299 N: 168070

**Applicant :** Mr P Prendergast

**Objections :** YES

**Description of Development:**

Application submitted under S73 of the Town and Country Planning Act 1990 for the variation of Condition 3 to DC/16/00572/FULL6 granted for part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and associated landscaping, to facilitate the addition of a basement, a chimney flue to the front elevation, 1 x rooflight to the side and internal alterations.

Key designations:

Conservation Area: Chislehurst Road Petts Wood

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 4

**Proposal**

The application proposes a variation of Condition 3 of permission 16/00572/FULL6 which stated that, "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," in order to facilitate the addition of a basement, a chimney flue to the front elevation, one rooflight to the side and internal alterations to provide a stairway to the basement and a gallery landing at first floor.

**Location and Key Constraints**

The application site hosts a two storey detached dwelling on the northern side of Wood Ride, the property sits on a wide plot which tapers out to the rear.

The application site also falls within the Chislehurst Road Petts Wood 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:

## **Objections**

- Loss of heritage value of the property
- Concern regarding structural integrity of the property, suitability of the site, impact on trees and impact on neighbouring properties
- Previous permission is not a fall-back
- Loss of original internal features
- No analysis on the structural integrity of the basement
- Insufficient information on the impact of root protection areas
- No information provided on ventilation system
- This application would set an unacceptable precedent for demolition in this area
- Failure to address previous structural concerns
- Extensions will have an impact on the wider Conservation Area

## **Comments from Consultees**

Conservation Officer: No objections were raised subject to conditions

Tree Officer: No objections were raised and no conditions requested

## **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

7.8 Heritage assets and archaeology

### **Unitary Development Plan**

H8 Residential extensions

H9 Side space

BE1 Design of new development

BE11 Conservation areas

### **Draft Local Plan**

6 Residential Extensions

8 Side Space

37 General Design of Development

41 Conservation Areas

### **Supplementary Planning Guidance**

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Chislehurst Road, Petts Wood Conservation Area SPG

### **Planning History**

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

- 95/02065/FUL; Single storey rear extension to existing garage; Permitted
- 96/00204/FUL; Arched wall attached to house; Permitted
- 11/03876/FULL6; Roof alterations to incorporate 3 rear dormer extensions; Permitted
- 16/00572/FULL6; Part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and associated landscaping; Permitted
- 16/00572/AMD; AMENDMENT: internal layout changes; Approve non material amendment
- 17/02535/RECON; Application submitted under S73 of the Town and Country Planning Act 1990 for the variation of Condition 3 to DC/16/00572/FULL6 granted for part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and

associated landscaping, to facilitate the addition of a basement, a chimney flue to the front elevation, 1 x rooflight to the side and internal alterations; Refused; Appeal dismissed

## **Considerations**

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

- Resubmission
- Design
- Heritage Impact
- Neighbouring amenity
- CIL

## **Resubmission**

The application seeks to overcome the previous refusal under reference 17/02535/RECON which was refused and a subsequent appeal was dismissed. The reason for the appeal being dismissed was the impact of the change of design to the front porch. The inspector also raised the issue of a lack of information regarding the trees on the site.

The tree officer raised no concerns about the trees on the site and did not request any further information to make their assessment. The design of the porch has been changed so that it now retains the original appearance of the frontage, as such it is considered that the issues of concern raised by the Inspector have been overcome.

## **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.

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

The basement would not be visible at ground floor level and would therefore have no impact on the character and appearance of the host dwelling or street scene.

The chimney flue to the front would be between the main dwelling and the single storey side element and does not protrude past the main ridge of either, it is therefore considered that it would not have any material impact on the character and appearance of the host dwelling nor the street scene.

The scheme differs from the previous one in that the porch is no longer "cut off" by an internal wall and now retains the open oval porch which is characteristic of the area.

### **Heritage Assets**

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

### **Within or adjacent to a Conservation Area**

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The changes to the front from the previously approved application are considered to be minimal and as such it is considered that the proposed development would preserve the character and appearance of the conservation area.

### **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.

Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

The basement would not span the whole width of the property and would provide further habitable rooms to the dwelling, as this would not project it is considered that there would be little impact on the adjoining occupiers in relation to the basement in planning terms.

The chimney flue does not project past the main ridge and is therefore considered to have little impact on neighbouring amenity. Whilst it is noted that neighbours

have raised concerns about ventilation the Inspector confirmed that there was no concern regarding its impact on neighbouring amenity.

## **CIL**

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

## **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: APPROVAL**

**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: To comply with Section 91, Town and Country Planning Act 1990.**

- 2 Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.**

**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 UDP and in the interests of visual and residential amenity.**

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority**

before any work is commenced. The windows shall be installed in accordance with the approved details.

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.

- 5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 7 The development shall be implemented in accordance with the Arboricultural Report/Tree Protection Plan submitted and approved as part of the planning application and under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

- 8 The flat roof area of the extension shall not be used as a balcony or sitting out area and there shall be no access to the roof area.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 9 Before any work is undertaken in pursuance of the grant of planning permission, an engineer's report with drawings shall be submitted to and approved in writing by the Local Planning Authority of such steps to be

**taken to secure and retain the existing front facade and front roof slope during the construction phase.**

**Reason: In the interest of protecting the character and appearance of the dwelling, preserving the amenities of the Chislehurst Road Petts Wood Conservation Area and to comply with Policies H8, BE1 and BE11 of the Unitary Development Plan.**