

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

Application No : 18/00010/FULL6

Ward:
Orpington

Address : 42 Park Avenue, Orpington BR6 9EH

OS Grid Ref: E: 546312 N: 165475

Applicant : Mr S G Puvaneswaran

Objections : YES

Description of Development:

Single storey rear and first floor side extensions.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 29

Proposal

The application seeks planning permission for a single storey rear extension and first floor side extension.

The proposed single storey rear extension will project 4.0m in depth with a width of 8.6m. The extension will have a flat roof measuring 3.4m in height for a depth of 3.0m before pitching down to 2.6m at the eaves. The proposed first floor side extension will project 5.0m in depth and 3.0m in width with windows facing onto the front and rear.

Location

The application site comprises a two storey detached residential dwellinghouse located on the south side of Park Avenue, Orpington. The 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:

- The floor plans show loggia situated at the rear of No.40 as being a permanent structure.
- No. 42 is situated at a higher ground level than No.40 and therefore any rear extension will have a drastic impact on the light received into the home and to the patio.

- The proposed extension would overshadow and restrict the daylight received.
- The proposed will lead to loss of privacy within the home and garden which is in constant use throughout the year.
- The proposed will reduce the light and view from the side bedroom window which is located less than 4ft from the boundary.
- The proposed extension, by reason of its size, height difference, massing and sitting will be over-dominant and detrimental due to its excessive depth.
- The extension represents an un-neighbourly form of development that would have an adverse impact on the amenities enjoyed by all neighbouring properties by reason of its overbearing effect.
- The proposed will result in the loss of all natural lighting received into the kitchen area.
- The proposed extension by reason of its sitting would result in an unacceptable loss of privacy adversely affecting the amenities enjoyed by ourselves as occupiers of the adjacent bungalow.
- The trees to the rear of the garden have been removed. As a result the proposed extension will overlook the garden and property and impinge on our privacy.
- The inaccuracy of the plans offers a false and misleading impression of how much of an impact the proposed will have.
- The topography of the street and houses which are built on a slope has not been indicated on the proposed plans.
- Proposed roof lights to the front are likely to shine into the two bedrooms of our property and have the potential to lead to sleep disturbance.
- Side access to our property has now become a health and safety risk due to work being carried out under application 18/00415/PLUD. Concern with regards to health and safety is raised if this application is to go ahead.
- Concern that the property will be turned into a multi-occupancy property.
- Extension will result in the row of properties looking like a row of semi-detached or terraced houses.
- The proposed extensions will be harmful to the living conditions of the surrounding occupiers.
- The development will impact on future sales of surrounding neighbours.

To address some of these objections revised plans were received 31/05/2018.

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
H9 Side Space
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development

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:

18/00012/PLUD - Part one/two storey rear extension Lawful Development Certificate (Proposed) - Proposed use/development is not lawful.

18/00415/PLUD - Hip to gable loft conversion with rear dormer and roof lights to front roof slope. Lawful Development Certificate (Proposed) - Proposed use/development is lawful.

Considerations

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

- Design
- 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.

Policy BE1 and H8 of the Council's Unitary Development Plan seeks to ensure that new development, including residential extensions, are of a high quality design that respect the scale and form of the application property and are compatible with surrounding development. These policies are consistent with Draft Policies 6 and 37 of the Draft Local Plan. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area.

The host dwelling currently benefits from a single storey rear extension that projects 5.4m in depth from the rearmost wall and measures 4.2m in height at its maximum. The proposed rear extension will sit alongside this existing extension for a shorter depth of 4.0m. The proposed extension would leave a distance of 30m from its rearmost wall to the end of the rear garden. Taking into consideration the generous plot size it is considered that the proposed depth and height of the extension would be subservient to the main dwelling and not overdevelop the site as a whole. The proposed materials will match those of the existing dwelling which will be complementary and compatible with the application site and developments in the surrounding area. This element of the proposal would not be visible from the street and so will not harm the character of the area or the streetscene in general.

The proposed first floor side extension would be set back 3.5m from the main front elevation and will have a pitched roof that matches the existing. The ridge line of the extension's roof would be set down 0.2m from that of the existing front projection and 0.3m below that of the main roof. Policy H9 states that for a

proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building. The first floor element would be located 1m at the narrowest point from the western boundary with No.40, however due to the existing forward projecting garage the development as a whole cannot provide the full 1 metre side space. Nevertheless, it is considered that, because of the proposed extensions depth and height, lowered ridge height and set back from the main front elevation, the proposed would not lead to a cramped appearance or to possible unrelated terracing. It is also considered that the proposed development would be subservient to the main dwelling and not overdevelop the site as a whole. Insofar as possible the proposed materials will match those of the existing dwelling which will be complementary and compatible with the application site and developments in the surrounding area.

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

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 rear extension would sit a minimum 2.55m away from the shared boundary with the closet neighbouring property, No.40 to the west. It was noted from the site visit, and from a neighbouring objection, that No.40 benefits from a loggia at the rear which is approximately 3.5m in depth but which has been indicated on the plans to be a permanent structure. It was also noted from the site visit, and from a neighbouring objection, that the host property is at a higher elevation than No.40 due to the slope on which the properties sit. Nevertheless a 4m deep extension, taking into consideration the arrangement of the properties, the orientation of the site and the proposed height and pitched roof of the extension, on balance it is considered that there would be no significant impact on the amenities of the neighbouring occupiers to warrant a reason for refusal solely on this basis.

The proposed first floor side extension would sit adjacent to a secondary window which appears to serve a bedroom at No.40. The extension would be approximately 3m from this window and therefore due to the orientation of the site and the proposed separation distance between the properties along this elevation it is not considered that the development would have an overbearing impact or result in significant overshadowing and loss of light. As a result it is considered that, on balance, the proposed extension would not result in a development which was adverse enough to warrant a refusal of the application. It is proposed to have a window to the front and rear elevation of the extension that are to serve bathrooms which, because of their location and size, would not result in an increased chance

of overlooking out of character in terms of that expected within a typical residential layout.

The application has been amended since its first submission and a number of objections have been received which relate to elements of the earlier proposal. The application is no longer proposing a rear dormer or roof lights to the front roofslope. An objection has been received which raises concerns with regards to site health and safety and the quality of the construction work being carried out. These concerns are not material planning considerations that can be addressed as part of the application process and instead would be dealt with at the building control stage of the development process. An objection has also been received which raises concerns with regards to the future sale of the neighbouring properties if the development were to be permitted. This is not a material planning consideration which can be taken into account as part of the application process.

Given all of the above and having regard to the scale, siting, separation distance and orientation of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

CIL

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

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 31.05.2018 07.06.2018
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 window(s) serving the first floor en suite bathrooms shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

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