

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

**Application No :** 18/01986/FULL6

**Ward:**  
Farnborough And Crofton

**Address :** 20 Durrant Way, Orpington BR6 7EH

**OS Grid Ref:** E: 544931 N: 164299

**Applicant :** Mr Tim Caswall

**Objections :** YES

**Description of Development:**

Part one/two storey/first floor side/rear extension

**Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 14

**Proposal**

The proposal involves a part one/two storey and first floor side and rear extension which would have a width of between 3.4m and 2.3m beyond the flank wall and a total length of 10.4m linking up with the proposed rear element.

The two storey and first floor rear extension would have a maximum depth of rear projection of 3.1m and a total width of 4.9m.

The proposal would have a pitched roof with a stepped ridge level of between 7.6m and 6.7m with gable ends to the side and rear elevation.

**Location and Key Constraints**

The site hosts a semi-detached two storey dwelling situated on the northern side of Durrant Way and is near to the junction with Ferndale Way.

**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**

- Detrimental effect on light to back of their property
- Effectively building a 7.5m high wall 15m from all habitable rooms at the rear which faces east and receive morning sun
- Planned windows would overlook rear of their property

## Comments from Consultees

No Consultee comments received.

## 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:

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
95/02662/FUL	Single storey side extension	Permitted

## **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.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Policy H8 of the UDP requires residential extensions to blend with the style and materials of the host dwelling, and ensure that spaces or gaps between buildings are respected where these contribute to the character of the area.

Policy H9 of the UDP requires that when considering applications for new residential development, including extensions, the Council will normally require 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 or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The proposal would involve the demolition of the existing garage and single storey side extension and construction of a part one/two storey side extension which would be built in close proximity to the side boundary at ground floor, with a gap of 0.1m towards the front of the development, and would have a 1m - 1.1m side space at first floor for the full length of the flank wall. The proposal would not therefore technically comply with the Policy H9 as the minimum 1m side space is required for the full height and length of two storey development including any ground floor aspects. However, this side boundary abuts the rear gardens of dwellings on Ferndale Way, and this open space along with the separation from the boundary of 1.1m at first floor to the front would prevent the development from resulting in a cramped development, unrelated terracing, or an unacceptable lowering of the spatial standards of the area.

The proposed single storey aspect would have a flat roof with a height of 2.7m which is modest and would preserve the separation from the boundary at first floor.

Whilst the proposal is not compliant with the Council's side space policy, it may be considered that on balance, the proposed is acceptable in that it is unlikely to result in a cramped appearance in the streetscene or have a seriously harmful impact on surrounding residents, therefore broadly complying with the aims of Policies BE1, H8 and H9 of the Unitary Development Plan.

The proposed two storey side element would have a pitched roof which would be gable ended which would be in-keeping with the design of the host dwelling. The pitched roof would not be stepped down from the main ridge height or set back from the front elevation such as in the case of the extension to the adjoining semi-detached property which would appear more subservient. However, given that the width at first floor is fairly modest, with a width of 2.2m, it is not considered that the proposal would appear overdominant or harmfully unbalance the pair of semi-detached dwellings.

Having regard to the form, scale, siting and proposed materials, 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 or result in a retrograde lowering of the spatial standards to which the area is presently developed.

### Highways impact

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.

The proposal would result in the loss of the attached garage however there is space for two cars to park on the front hardstanding therefore it is not considered that the proposal would have a detrimental impact on road safety or the free flow of traffic.

### 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.

In terms of residential amenity it is considered that there would be no significant impact on the privacy and amenity of adjoining occupiers in terms of loss of light and outlook, siting and position of the enlarged mass of the extensions in this situation due to the reasonable separation distances to adjacent neighbouring properties.

The proposed first floor rear extension would be separated by a distance of 2.9m to the east flank boundary with no windows in the flank elevation and the roof will be pitched away from the shared property boundary (having an eaves height of 4.8m) with the ridge being stepped down from the main ridge of the host dwelling by 0.9m. No. 18 has benefited from a single storey rear extension near to the boundary with a two storey element set back from the shared boundary similar to the proposal. Therefore, the proposal would not project beyond the ground floor rear windows of this neighbouring property. The proposed extension would affect oblique views only from the first floor windows of No. 18 and the separation and general relationship is considered to be acceptable in light of the modest scale and rear projection of the proposal and separation distance to the shared boundary to prevent a harmful loss of outlook, light and privacy to this neighbouring property.

The proposal is sited near to the boundary which adjoins the rear gardens of No. 2 and 4 Ferndale Way, as these properties do not benefit from substantial rear gardens in term of their depth. As such, the property would already have a degree of impact on the outlook from the rear of these properties. The proposed first floor side and rear extension would be set in 1m to 1.1m from the boundary and would not exceed the height of the existing dwelling. It would have a modest width in terms of projecting closer to the boundary than the existing first floor flank wall. The other elements of the proposal to the rear of would have a pitched roof which is stepped down significantly from the main ridge and the roof would pitch away from the shared boundary with an eaves height of 4.8m at this point which would lessen the bulk of the extension beyond the existing flank wall. There would be a separation of 14m from the main rear elevations of Nos. 2 and 4. The single storey

side extension would replace an existing side garage and extension and would not be clearly visible from No. 2 given the siting of a rear garage along this boundary.

Therefore, on balance it is considered the proposal would not result in significant additional harm above that which already exists. The proposal would incorporate two first floor side window serving bathrooms, therefore a condition is recommended to restrict the windows to obscure glazing and to restrict any addition of windows at first floor level in order to protect the privacy of this neighbour.

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

Subject to the imposition conditions regarding the use and retention of obscure glazing to the first floor flank window(s) it is not considered that an unacceptable loss of privacy 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 in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character or spatial standards 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** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first floor flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

- 5** Before the development hereby permitted is first occupied the proposed window(s) in the first floor west 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 (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