

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

**Application No :** 18/02153/FULL6

**Ward:**  
Farnborough And Crofton

**Address :** 36 Rusland Avenue Orpington BR6 8AT

**OS Grid Ref:** E: 544681 N: 165376

**Applicant :** Mr Hussein Tahsin

**Objections :** YES

**Description of Development:**

Demolition of existing garage erection of a single storey rear and side extension

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 11  
Urban Open Space

**Proposal**

The application proposes a single storey side and rear extension that would replace several existing extensions including a garage. It would have a rearward projection from the original rear wall of 7.1m a width across the rear of 9.2m and a height at the rear of 2.7m and would be set in 1m from either side boundary.

The side extension incorporates a pitched roof to the front and is set 2m back from the front most wall of the original dwelling and includes a window in the side elevation to serve a bedroom.

**Location and Key Constraints**

The application site hosts a single storey semi-detached dwelling on the Northern side of Rusland Avenue, Orpington.

**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**

- Overdevelopment of the site
- Nothing similar in the area
- Concerns regarding drainage
- Concern for security of neighbours during construction
- Parking space lost from previous application

- Concern regarding living accommodation
- Height difference between number 36 and 34 increases impact

### **Comments from Consultees**

Highways: No objections were raised once additional information was requested in relation to the size of the hardstanding.

### **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

BE1 Design of new development

### **Draft Local Plan**

6 Residential Extensions  
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:

- o 17/05765/FULL6; Erection of a single storey rear and side extension; Refused
- o 18/00767/FULL6; Demolition of existing garage and construction of single storey rear/side extension; Refused

## **Considerations**

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

- o Resubmission
- o Design
- o Neighbouring amenity
- o CIL

## **Resubmission**

The resubmission seeks to overcome previous reasons for refusal which related to excessive depth of the rear and side extensions, to overcome these reasons the depth of the rear extension has been reduced by 2m to be in line with the existing conservatory. The extension would be 1.5m closer to the boundary with number 38 however this is considered on balance to be acceptable in relation to the outlook and amenity of the adjoining occupiers at both sides.

The side extension has been reduced by a further 1.3m giving it a total set back from the front of 2m, this would go some way to mitigate the impact of the side extension for the adjoining occupiers of number 34 and it is therefore considered to be acceptable in that it would no longer cause any harm so significant to warrant refusal of the planning application.

All in all, the reduction in depth of both the side and rear extensions have overcome the previous concerns and as such, whilst still large, the extensions to the host dwelling would on balance not be so detrimental as to warrant refusal of the application.

## **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 extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

At the front the extension has been set back by 2m and set 1m in from the boundary, this would help to maintain the character and appearance of the host dwelling and street scene.

The extensions are very large in scale to a modest sized bungalow; whilst the alterations to this would significantly alter the character and appearance of the host dwelling it is considered that given the set back from the front of the dwelling and the majority of extensions being to the rear this would not cause any significantly detrimental harm to the character and appearance of the host dwelling or street scene.

### **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, siting and separation distance 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 extensions would protrude 4.2m past the existing sunroom nearest the boundary with number 38, and would therefore be 4.2m past the rearmost wall of number 38. Whilst the extension would be 1.5m closer to the boundary it would not project any further than the existing conservatory and as such it is considered that the separation distance would somewhat mitigate the harm of the extension and give its low height this would on balance be acceptable and would not cause any undue harm to the adjoining occupier of number 38.

Number 34 benefits from a shed and greenhouse in their rear garden along the shared boundary and this would help to mitigate the impact of the rear extension as it would mostly not be visible to this neighbour at the rear. The extension is set 2m from the front of the dwelling and given the relationship between these two properties this would go some way to mitigate the harm of the extension and it is considered that given the low height of the side extension it would not cause any significantly detrimental impact to the adjoining occupiers of number 34.

### **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 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.**