

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

**Application No :** 18/02385/FULL6

**Ward:**  
Kelsey And Eden Park

**Address :** 89 Village Way Beckenham BR3 3NJ

**OS Grid Ref:** E: 537104 N: 168865

**Applicant :** Mr & Mrs Mailley-Smith

**Objections :** YES

**Description of Development:**

Loft conversion with rear dormer and front rooflights and alterations to existing bathroom roof (alterations to approved scheme 18/01496/PLUD)

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 18

**Proposal**

The application seeks planning permission for roof alterations to incorporate a hip to gable end extension, rear dormer, Juliet balcony, one window to gable end elevation and three rooflights to front roof slope.

Location

The application site comprises a two storey semi-detached dwelling on the east side of Village Way, Beckenham. The property is not listed and does not lie within a designated area.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and one representation was received which can be summarised as follows:

- The proposed will excessively load the structure and foundations of our property.
- The proposed will block light into our garden.
- The proposed is not in keeping with the design of similar development and extension of semi-detached properties on Village Way.
- Proposed extension is excessive in its mass and scale.
- Proposed is a significant material increase which contravenes the General Design Principles and Residential Design Guidance SPGs.

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:

16/01910/FULL6 - Conversion of existing garage to a habitable room to include bay window and alterations to front elevation - Application Permitted.

16/02220/FULL6 - First floor side extension and roof alterations to include rear dormer extension and front rooflights, elevational alterations and conversion of existing integral garage to a habitable room to include bay window extension to front - Application Refused.

Reason for Refusal:

The proposed first floor side extension and roof alterations would, by reason of its bulky design, lack of subservience and lack of adequate side space, would appear as an overly dominant and cramped form of development, demonstrably harmful to the character and appearance of the host property and symmetry of the semi-detached pair and to the streetscene in general, and thereby contrary to Policies BE1, H8 and H9 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

18/01496/PLUD - Loft conversion with rear dormers and front rooflights and alterations to existing bathroom roof Proposed Lawful Development Certificate - 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 proposed development involves removing most of the existing catslide roof, extending part of the first floor side and altering the roof to form a gable end and rear dormer. A larger proposal was refused planning permission under reference 16/02220/FULL6 for the reason set out above. Since this application a lawful development certificate has been granted for a proposal similar to that currently under consideration with the only difference between the two applications being the size of the rear dormer. Under the certificate application two narrow rear dormers were proposed which has now been amended to one larger dormer. It is reasonable to assume that the development which now benefits from a lawful development certificate could be built. Therefore that approved development must be taken into consideration when assessing this application.

The scale and bulk of the development has been greatly reduced from that which was refused under the 2016 application. As a result the scheme is now considered to be subservient to the main dwelling and to not be an overdevelopment of the site as a whole. The neighbouring property has not altered its original hipped roof and therefore the hip to gable and first floor side extensions would result in a development that unbalances the pair of semi's. However, taking into consideration the lawful development certificate it is considered that the potential harm to the host dwelling and wider streetscene would not be adverse enough to warrant a refusal of the application. The enlarged rear dormer would not be visible from the street and so would not harm the streetscene in general.

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 and roof extension would be located 2.2m at the narrowest point from the boundary with No.91, however due to the existing position of the ground floor 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, and the first floor element being set back from the main front elevation, the proposed would not lead to a cramped appearance or to possible unrelated terracing. 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 not cause further harm to the host

property and would not appear out of character with surrounding development or the area generally compared with the proposal granted under the lawful development certificate.

### 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 development would not extend beyond the host dwellings existing footprint. Neighbouring property, No.87, has raised concerns with regards to the impact on light to the rear garden. Taking into consideration the orientation of the host dwelling and the location of the proposed it is considered that any loss of light to the rear garden or rear windows of No.87 would not be adverse enough to warrant a refusal of the application.

The proposed extension would leave a separation distance of 2.2m from the flank wall to the shared boundary with No.91. This neighbouring property has not been extended in a similar manor and so retains the hipped roof which provides a greater sense of separation between the properties. It is proposed for a window to be added to the gable end extension facing onto No.91. This window would serve a stairway which can be conditioned to be obscure glazed and would therefore not impact on the privacy of this neighbour. Taking into account the depth and height of the proposed, coupled with the orientation of the site, it is not considered that the extension would have an overbearing impact to No.91 or result in overshadowing or overlooking. It is not considered that the proposed windows to the front and rear would result in an increased chance of overlooking out of character in terms of the expected within a typical residential layout.

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.

An objection has been received raising concerns with regards to structural issues the proposed development could have on neighbouring properties. This is not a consideration that can be addressed as part of the planning application process and instead would be dealt with at the building control stage of the development.

### Conclusion

Having had regard to the above it is considered that the development in the manner proposed is, on balance, 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.

**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 in the gable end 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