

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

Application No : 18/01873/RECON

Ward:
Petts Wood And Knoll

Address : 172 - 174 Petts Wood Road Petts Wood
Orpington BR5 1LG

OS Grid Ref: E: 544519 N: 167760

Applicant : Mustafa Huseyin

Objections : YES

Description of Development:

Variation of condition 3 (compliance with approved plans) of permission ref.17/01064/FULL1 granted for single storey rear extension with mansard roof and rear dormer providing office space storage for the Class A1 unit at first floor level, storage space to ground floor rear and enlargement of the Class A1 unit, in order to allow amendments to the windows and to the design of the first floor extension (Retrospective application)

Key designations:

Conservation Area: Station Square Petts Wood

Area of Special Residential Character

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Smoke Control SCA 4

Proposal

Retrospective permission is sought for amendments to this two storey extension located at the rear of Nos.172-174 Petts Wood Road which was granted permission in May 2017 to be used as storage space on the ground floor and office space above in connection with the existing ground floor retail unit.

The main changes to the permitted scheme are:

- The first floor part of the extension is now set flush with the ground floor and rendered, rather than being set in slightly from the side and rear and tile-hung
- Small windows adjacent to the doors at ground floor level in the rear elevation have been omitted
- Larger first floor windows have been installed in the rear elevation, rather than high-level windows, but they are obscure glazed apart from the top lights
- A high-level first floor window has been added to the eastern flank elevation which is obscure glazed
- Two clear glazed means of escape rooflights have been added to the southern roof slope facing the rear elevation of the frontage building.

A revised plan was submitted on 4th June 2018 which more accurately reflects what has been built on site.

Location and Key Constraints

The host dwelling is a mid-terrace building with commercial use on the ground floor, and a residential flat above. The site lies within Station Square 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

- Overlooking of neighbouring residential gardens
- Increased pressure on parking in the rear access road
- Extension appears to be for residential rather than office use
- Eastern flank window may be obscure glazed but it is not fixed shut and therefore can overlook adjacent gardens
- The first floor accommodation is not set back as a rear dormer, but has been built flush with the rear ground floor wall
- Loss of outlook from neighbouring properties and gardens.

Local Groups (Petts Wood & District Residents' Association)

- Inaccurate plans
- Loss of outlook from neighbouring properties
- First floor could easily be converted to residential accommodation
- Overdominant building in a Conservation Area.

The application has been called in to committee by a Ward Councillor.

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 in the NPPF, the greater the weight that may be given).

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.

London Plan Policies

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

Unitary Development Plan

BE1 Design of New Development

BE11 Conservation Areas

Emerging Local Plan

37 General Design of Development

41 Conservation Areas

Supplementary Planning Guidance

NPPF

Supplementary Planning Guidance 1 - General Design Principles

Planning History

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

Permission was refused in 2007 (ref.07/02393) for a single storey rear extension on grounds relating to excessive depth, overintensive use, intensification of the use of the accessway, and increased demand for on-street parking.

Permission was refused in 2008 (ref.08/00734) for a single storey rear extension on grounds relating to an overintensive use of the site due to the separate office use.

Permission was granted in 2008 (ref.08/02736) for a single storey rear extension.

Permission was granted in May 2017 (ref.17/01064) for a single storey rear extension with mansard roof and rear dormer to enlarge the retail unit and provide office space and storage for the retail unit.

Permission was refused in August 2017 (ref.17/03109) for roof extensions and the conversion of the upper floors into 2 flats on grounds relating to the excessive size of the rear dormer extension and its detrimental effect on the character and appearance of the conservation area.

Considerations

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

- Resubmission
- Design
- Neighbouring amenity
- Sustainability
- CIL

Resubmission

As outlined within the Proposals section of this report, the main changes between the permitted and revised schemes are:

- The first floor part of the extension is now set flush with the ground floor and rendered, rather than being set in slightly from the side and rear and tile-hung
- Small windows adjacent to the doors at ground floor level in the rear elevation have been omitted
- Larger first floor windows have been installed in the rear elevation, rather than high-level windows, but they are obscure glazed apart from the top lights
- A high-level first floor window has been added to the eastern flank elevation which is obscure glazed
- Two clear glazed means of escape rooflights have been added to the southern roof slope facing the rear elevation of the frontage building.

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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

Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout.

Policy BE11 states works within a conservation area should respect or complement the layout, scale, form and materials of existing buildings and spaces and respect and incorporate features that contribute to the character, appearance or historic value of the area.

The amendments to the design of the extension are not considered to have a significant detrimental impact on the appearance of the building, and given the location of the extension to the rear of the site and the fact that it now has white rendered walls to match the adjacent extension at No.176-178, it is not considered to have an adverse impact on the character and appearance of Station Square Petts Wood Conservation Area or the adjacent ASRC.

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.

Policy BE1 seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is reiterated in draft policy 37.

A bathroom window has been installed at first floor level in the eastern flank elevation of the extension, but it is obscure glazed and measures only 0.6m x 0.45m, and does not therefore cause undue overlooking of neighbouring properties or their rear gardens.

The rear-facing windows at first floor level are not high-level windows as permitted, but the main part of the windows are obscure glazed with only the top lights clear glazed. The rear gardens of properties in Kingsway which back onto the service road have boundary fencing and mature planting, and as such, the revised proposals do not result in significant overlooking of neighbouring properties.

The first floor southern elevation of the extension where it adjoins the existing single storey rear extension at Nos.172-174, now has two clear glazed means of escape rooflights which would face the rear elevation of the frontage building. However, there is a distance of 12.5m between them, and these revisions are not therefore considered to be unduly harmful to the amenities of the occupiers of the frontage building.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application but the applicant has not completed the relevant form.

Conclusion

The revisions to the scheme permitted in 2017 are not considered to have a detrimental impact on the character and appearance of the Conservation Area or

the adjacent ASRC, and is not considered to cause harm to the amenities of neighbouring residential properties.

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 No windows or doors additional to those shown on the permitted drawings shall at any time be inserted in the first floor elevations 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.

- 2 Before the development hereby permitted is first occupied the proposed first floor windows in the eastern and northern elevations shall be obscure glazed in accordance with the approved plan 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 windows 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

- 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 The extension hereby permitted shall be used for storage and offices ancillary to the retail use at Nos 172-174 Petts Wood Road, and for no other purpose.**

Reason - In order to comply with Policy BE1 of the Unitary Development Plan and to prevent an overintensive use of the site and in the interests of the residential amenity of the area.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and**

this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL