

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

Application No : 18/02337/FULL6

Ward:
Farnborough And Crofton

Address : Farfield 43 Park Avenue Farnborough
Orpington BR6 8LH

OS Grid Ref: E: 543345 N: 165477

Applicant : Mr Lee May

Objections : YES

Description of Development:

Part one/part two-storey rear extension with first floor balcony and replacement attached double garage incorporating first floor front and rear dormers.

Key designations:

Conservation Area: Farnborough Park
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 11

Proposal

Planning permission is sought for a first floor side extension to the attached garage incorporating front and rear dormers, a part one/two storey rear extension with a depth of between 3.4m and 6.8m at ground floor (inclusive of an existing loggia which the proposal would enclose) and between 7.4m and 6.7m at first floor to the rear of the main dwelling which would incorporate a projection balcony with a depth of 0.8m beyond the proposed rear elevation. Also proposed is a single storey rear extension to the existing orangery to the rear of the side garage with a depth of 4.6m and width of 8.2m and would involve alterations to the crown pitched roof to provide a flat roof with a height of between 3.2m to 3.8m as a result of stepped level of the proposed flat roof and the ground level which sloped downwards towards the rear of the site.

The existing property benefits from off street parking which is provided by way of an in-out driveway for a few vehicles.

Location and Key Constraints

The application site comprises a two storey detached dwelling on the north-eastern side of Park Avenue, Farnborough Park. The property is considered one of the original 1930's properties and forms a group with the properties to the south east and west within Farnborough Park Conservation Area.

The dwelling benefits from a gabled roof profile, attached double garage and two storey front hipped roof projection. The property is sited within a substantial plot and has a large single storey rear extension and raising terraced area to the rear.

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

- Object again to renewed plans
- Whilst having no objections to style and appearance of the façade, continue to have objections to build up from existing single storey extension on left flank to a new storey and gable roof
- Taller and heavier building so close to their property will threaten the fabric and foundations of their home
- reduce value of their home for 56 years
- Homes are built on soft clay
- Increase in height of the extension so close to boundary with high wall with block light from their property and conservatory
- Conservatory will be a lot darker
- Appears there will be further extension on the left flank into the garden and removal of 2 large poplar trees on the boundary
- Raised roof of single storey extension will dominate their home

Comments from Consultees

In summary:

APCA did not inspect the application.

Conservation Officer: The proposal now retains the main part of the house as it is with the extensions being generally subservient. On this basis I raise no objection subject to matching materials

Highways: No Highways objections

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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
- 7.8 Heritage assets and archaeology

Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions
- H9 Side Space

Draft Local Plan

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance

Farnborough Park Conservation Area 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:

Application Number	Description	Decision
08/02752/FULL6	First floor side extension	Refused
08/01538/FULL6	First floor side extension	Refused
09/00268/FULL6	First floor side extension	Refused (Allowed on appeal - APP/G5180/A/09/2117083)
14/04618/FULL6	Single storey rear extension	Permitted
16/04312/PLUD	Single storey detached outbuilding	LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - refused
17/00146/FULL6	Roof alterations to provide habitable accommodation incorporating two front dormers, first floor side extension, part one/two storey rear and single storey rear extensions both with raised terraces and steps to rear, insertion of bay windows to front elevation and front porch canopy	Refused

The refusal reasons were as follows:

1 The existing building makes a positive contribution to the character of the area and contributes to the group value of the surrounding buildings in this part of the Farnborough Park Conservation Area. The development would alter the appearance of the dwelling to the point that the original form is unrecognisable, removing original and characterful features of the dwelling which is considered to harm the character and appearance of this part of the Conservation Area of which no public benefit has been identified to outweigh this harm. The development is thereby contrary to Policy BE11 of the Unitary Development Plan and the Supplementary Planning Guidance for the Farnborough Park Conservation Area.

2 The proposal would, by reason of its proximity to number 41 Park Avenue, result in a cramped form of development, detrimental to the spatial standards and character and appearance of this part of Farnborough Park Conservation Area, which it would fail to either preserve or enhance, contrary to Policies BE1, BE11, H7 and H9 of the Unitary Development Plan and the Supplementary Planning Guidance for the Farnborough Park Conservation Area.

3 The depth of rearward projection proposed coupled with the two storey garage extension is considered excessive and the development would prejudice the amenities of the occupiers of the adjoining dwelling at No 41 by reason of loss of outlook, loss of light and visual impact, contrary to Policy BE1 of the Unitary Development Plan.

An appeal was subsequently dismissed and the Inspector in their appeal decision states as follows:

'The property is a substantial two storey dwelling with an attached double garage to the side. Its planning history shows that the building was originally constructed as part of the Park development, but has subsequently been substantially extended and altered. It nevertheless retains clear Arts and Crafts influences in its gabled main roof form, tall chimney, fenestration and two storey hipped roof front projection. The appellant argues that previous extensions unbalance the front façade. However, asymmetry and informality is characteristic of the Arts and Crafts movement.

Consequently, although previous extensions and alterations have somewhat diluted the character of the original building, I consider that, in its present form, the building still makes a positive contribution to the character and appearance of the Conservation Area.'

I recognise that there are properties designed in the neo-Classical style elsewhere in the Park. However, there are none in the immediate vicinity of the appeal site. The loss of the Arts and Crafts elements in the existing building would diminish the contribution of the site to the locally distinctive clustering of this style of architecture.

I have no reason to doubt that the proposal would incorporate high quality detailing and materials and be completed to a high standard. However, for the reasons set out above, I consider that the proposal would make a lesser contribution to the character and appearance of the heritage asset than the existing building.

However, rather than its physical fabric, the heritage significance of the existing building lies in its form, massing and appearance, all of which would be negatively impacted by the appeal proposal.'

Consequently, I find that the proposal would not preserve or enhance the character and appearance of the Conservation Area. As such, it would conflict with Policies BE1 and BE11 of the Council's Unitary Development Plan 2006 (UDP). (...)The proposal would also conflict with UDP Policy H9 which requires extensions to provide generous side space where high standards of separation exist in residential areas. Nor would the proposal draw support for the SPG insofar as it allows for the replacement of buildings which do not make a positive contribution to the Park.

Living Conditions

Due to the steepness of the pitch of the roof, the mansard form would reduce the bulk of the extension only slightly. A single storey extension would project a further

8.8m to the rear of the garage, albeit stepped slightly further away from the boundary.

The proposal would, therefore, add significantly to the overall height and bulk of built form close to the boundary with the neighbouring property compared with the existing building. Therefore, even having regard to the existing boundary planting and fencing, I consider that the appeal proposal would have an overbearing effect on the outlook from the rear windows and rear garden of No 41.

The proposed extensions would be located to the south and east of the neighbouring property. Consequently, given its proximity to the boundary, the two storey element in particular would cast a shadow over the private garden area immediately behind the neighbouring house.

I have had regard to the extant planning permission for a single storey extension to the existing building. Whilst I recognise that this would increase the length of the existing building close to the boundary with No 41, it would be some 4m shorter and slightly less tall than the single storey extension now proposed. Nor would it have effects on the neighbouring property comparable to the two storey garage. Since the earlier permission for the two storey side extension has lapsed, it would be inappropriate to compare its effects with the current proposal.

Therefore, I find that the proposal would have a harmful effect on the living conditions of the occupiers of No 41 by reason of loss of outlook and sunlight.

17/05430/PLUD - Outbuilding to rear LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - Refused

17/05584 - Roof alterations to provide habitable accommodation incorporating a front gable extension and one rear dormer, first floor side/front extension with front and rear dormers, part one/two storey rear and single storey rear extensions, single storey front garage extension with changes to land levels to rear, alterations to elevations and front bay windows and two front balconies. - Refused

The refusal reasons were as follows:

"1 The proposal would, by reason of its proximity to number 41 Park Avenue, result in a cramped form of development, detrimental to the spatial standards and character and appearance of this part of Farnborough Park Conservation Area, which it would fail to either preserve or enhance, and would result in removing original and characterful features of the dwelling which is considered to harm the character and appearance of this part of the Conservation Area of which no public benefit has been identified to outweigh this harm, contrary to Policies BE1, BE11 and H9 of the Unitary Development Plan and the Supplementary Planning Guidance for the Farnborough Park Conservation Area."

"2 The depth of rearward projection and increase in eaves height proposed coupled with the two storey garage extension is considered excessive and the development would prejudice the amenities of the occupiers of the adjoining

dwelling at No 41 by reason of loss of outlook, loss of light and visual impact, contrary to Policy BE1 of the Unitary Development Plan."

Considerations

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

- Resubmission
- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- Trees
- CIL

Resubmission

The application site has been subject to a number of previous applications including most recently two refusals under ref. 17/00146/FULL6 and 17/05584/FULL6.

The proposal is a resubmission following the most recent refusal under ref. 17/05584 and the following amendments have been made:

- Omission of the front extension to the garage
- A reduction in width of the attached garage and first floor extension by 0.7m
- Reduction in height from 6.4m to 6.2 of the first floor extension to the garage and with a simplified roof form (crown pitched roof) and reduced height of 0.3m of the single storey part for most of its width although it would involve an increase in eaves height from 3.2m to 3.8m
- Reduced maximum length of the first floor garage extension from 11m to 9m (at eaves level)
- the substantial roof alterations to the main roof including a change from gablet roof to hipped roof and front hip to gable extension have been omitted
- One rear dormer within the main roof slope has been removed
- Elevation alterations and balconies to the main front elevation are no longer proposed

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 extensions to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

Policy BE11 of the UDP requires new development in conservation areas to respect or complement the layout, scale, form and materials of existing buildings and spaces.

The proposed first floor extension over the garage would now be set back further from the flank boundary, with an increase in side space from the previously refused application (ref. 17/05584) from 0.8m to 1.5m. The proposal first floor extension would have a hipped roof which would also provide a further level of separation at first floor level from the boundary and would be reduced in height slightly by 0.2m. Therefore, it is considered that the proposal separation would now be in-keeping with the surrounding development and would not be harmful to the general spatial characteristics of the conservation area and would comply with Side Space Policy H9.

Furthermore, the proposal would not now involve an extension forwards of the existing elevation of the garage as previously proposed under ref. 17/05584 and along with the simpler hipped roof form of the first floor side extension and reduction in height from 6.4m to 6.2m would give the proposal a subservient appearance to the main dwelling.

Whilst the proposal appears bulky and dominant when viewed from the rear exacerbated by the verticality of the glazing, given that these views are restricted to the rear away from any public vantage points, a degree of flexibility can be shown and on balance, the appearance of the rear of the property may be found to be acceptable.

Heritage Assets

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Whilst there are many different architectural styles of dwellings within Farnborough Park, the dwelling is considered one of the original properties, retaining some of the character of the original 1930s property despite being extended within the late 1980s. Additionally, in the vicinity of the application site, the Arts and Crafts influences are still prevalent. Whilst it is appreciated that the beams to the front of the dwelling are not original, it is unknown whether these were re-instating an original form of the dwelling given the lack of detail submitted within the heritage statement, but nonetheless, the dwelling as existing can clearly be read as dating from the inter war period and reflects the other Arts and Crafts properties forming part of a group with the properties sited to the south-east/west and makes a positive contribution to the character of the conservation area. The proposed extensions have clearly made an effort to retain the character of the property and would thereby continue to show the historic evolution of the park.

The Inspector in the appeal decision for application ref. 17/00146/FULL6 recognises that the existing dwelling has already been substantially extended and altered however states 'It nevertheless retains clear Arts and Crafts influences in its gablet main roof form, tall chimney, fenestration and two storey hipped roof front projection. The appellant argues that previous extensions unbalance the front façade. However, asymmetry and informality is characteristic of the Arts and Crafts movement.' It is further stated that 'Consequently, although previous extensions and alterations have somewhat diluted the character of the original building, I consider that, in its present form, the building still makes a positive contribution to the character and appearance of the Conservation Area.'

Following the previously refused application under ref. 17/05584, the application proposes the substantial re-development of the existing property but would retain much more of the existing architectural details and Arts and Crafts influences of the 1930s dwelling including retaining the existing front elevation and features, fenestration, tall chimneys, the gablet roof form, asymmetry and two storey hipped roof front projection. Therefore, the proposal would be much more sympathetic to the design and appearance of the existing property when viewed from the public areas, retaining many of the features of its Arts and Crafts architectural style and therefore it is considered that the proposal would continue to have a positive contribution to the character and appearance of the conservation area.

It is considered that the proposed development would preserve the character and appearance of the conservation area.

Trees

With regard to the impact upon trees, there is one mature oak tree sited along the boundary with number 41 which may be of risk of harm from the development. Comments received from the tree officer when assessing the extension of this single storey element under ref: 14/04618/FULL6 stated that it was not considered that the tree qualified to have a tree protection order placed on it due to the proximity of the existing single storey rear extension to the tree itself. It is recommended however to include an informative if planning permission were to be forthcoming to ensure that no undue harm will come to that tree and any proposed tree works should be subject to an application due to the location of the property within a Conservation Area. It is also encouraged that any works to the trees should be negotiated and discussed with the neighbour at 41 Park Avenue.

Highways

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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.

No objections are made to the scheme in terms of highways as a result of the in and out access arrangement and sufficient off street parking being retained within the front amenity space and good sized double garage.

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 two storey garage is proposed to project past the rear elevation of the dwelling by 2.9m (a reduction from 5.2m previously refused under ref. 17/00146) at 6.2m in height with a 3.5m eaves height. The garage and first floor extension would now be set back by 1.5m from the common side boundary for the

entire length of the two storey and single storey elements. The single storey rear aspect to the rear of the garage would be similar to a previously granted scheme under ref. 14/04618 for a single storey rear extension with a depth of 4.6m which it is stated by the applicants that this has been implemented. However, the hipped profile previously proposed would still be replaced with a flat roof. The flat roof would be reduced in height by 0.3m from the existing extension (and previously proposed extension under ref. 17/05584) and would be set back from the shared boundary by 1.5m for its full length. As a result of the proposed changes from the refused scheme (ref. 17/05584) the flank wall would not extend significantly beyond the flank wall and pitched roof profile of the previous permitted extension.

The depth of the first floor garage extension has been reduced so that it would project by 2.9m beyond the rear elevation of No. 41 (albeit this is similar to the refused scheme ref. 17/05584) The separation to the boundary has however been increased by 0.7m and bulk of the roof has been lessened with a reduction in height from a height of between 6.4m to 4.2 (proposed under ref. 17/05584) to 6.2m to 3.5m and given the steeper pitched roof profile so that the maximum height would be located further from the boundary (from 3m away to 4.7m), it would also not project beyond the rear of No. 41 at its height part. Therefore, given the increased separation and reduction in eaves height of the first floor element, it is not considered that this would have a significantly harmful impact on the outlook, prospect or light of No. 41.

The proposal would continue to project by 19m beyond the rear of No. 41, however it would now be situated at a distance of at least 1.5m from the boundary for the full length of the development whereas previously part of the flank of the two storey and single storey element was situated within 0.8m of the boundary and due to its reduced height at single storey for most of its length, it is not considered that the proposal as viewed from the rear windows and amenity space of No. 41 would be significantly more harmful in its overall height and bulk of the built form than the extension already approved under ref. 14/04618. Given the above, the proposal is not considered therefore to have an overbearing visual impact or loss of light on the outlook of the rear windows and rear garden of No. 41 over that already permitted.

The main two storey part of the rear extension is to be sited 8m and 8.8m from the common side boundaries which is a substantial separation and would be sufficient to alleviate its visual impact from No. 41.

With regards to number 45, Oak House, the rear extension is sited 1.4m from the boundary at the closest point, infilling the loggia and proposing an extension of 2.7m in depth adjacent to the boundary. Whilst there will be an element of increased solidity and depth by 2.7m of the single storey element, the extensions are not considered to materially impact upon the amenity of Oak House to a harmfully greater degree than the existing layout.

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.

Concerns have been raised by the occupiers of the adjoining property regarding the scale of the development in relation to the neighbouring properties in that it would dwarf them in size. From the front however, which is the part which would be most visible by the local residents, the proposed extension would be subservient in scale given it would be well stepped down from the main roof and much of the bulk at single storey level is already in place and therefore it is not considered that the additional bulk of the development would extend the dwelling to an extent which would appear overdominant in relation to the surround development more so than the existing dwelling. The proposal would also be similar in scale to other properties in the vicinity of the site. To the rear, the scale of the extension has already been found to be acceptable in previous applications given its limited visibility from public vantage points. Other concerns raised regarding the loss of property value and impact on foundation are not material planning considerations and the structural concerns may be a building control matter.

CIL

The Mayor of London's CIL is a material consideration. CIL is 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 conservation area or visual amenities of the area in general.

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 extensions 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** Details of the means of privacy screening for the balcony(ies) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details and permanently retained as such.

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.

You are further informed that :

- 1** The applicant should not unduly harm the adjoining tree in the development of the hereby approved extension. Any works to the tree would be subject to an application to the Local Planning Authority due to the location of the tree within a Conservation Area. It is also encouraged that the applicant liaises with the neighbour at 41 Park Avenue prior to any works to the trees along the common side boundary.