

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

**Application No :** 18/02859/FULL6

**Ward:**  
**Shortlands**

**Address :** 35 Kingswood Avenue, Shortlands,  
Bromley BR2 0NT

**OS Grid Ref:** E: 539118 N: 168247

**Applicant :** Mr Julian Sikondari

**Objections: YES**

**Description of Development:**

Single storey front extension to include the conversion of the garage  
1st floor side/rear extension  
Single storey rear extension  
loft conversion with rear dormer

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 21  
Smoke Control SCA 9

**Proposal**

The application seeks planning permission for the conversion of the garage to a study and utility room, a single storey front, single storey rear and first floor side/rear extensions and a roof extension incorporating a rear dormer, Juliet balcony and rooflights to the side roof slopes.

The proposed single storey front extension will have a depth of 0.7m for a width of 3.0m. The extension will have a pitched roof measuring 3.3m in height at its maximum pitching down to 2.4m at the eaves.

The proposed single storey rear element will extend 3.3m in depth for a width of 5.8m. The extension will measure 3.1m in height with a roof lantern that projects 0.5m from the flat roof.

The proposed first floor side/rear extension will measure 2.7m in width for a depth of 3.3.1m along the side before increasing at the rear to 3.0m in width for a further depth of 0.9m. The extension will have a gable end pitched roof measuring 6.8m in height at its maximum pitching down to 5.1m at the eaves.

## **Location and Key Constraints**

The application site comprises a two storey detached dwellinghouse located on the western side of Kingswood Avenue, Shortlands. The property is not listed and does not lie within any area of special designation.

## **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and five representations were received which can be summarised as follows:

- Loft extension will impact on privacy of gardens either side and at the rear.
- Proposed development is not in keeping with houses in the area.
- Lack of side space will result in cramped appearance.
- Development will be intrusive and over-bearing.
- Proposal is excessive and would adversely affect the character and appearance of the surrounding area.
- Drawings depict a balcony, however no details are provided as to the design.
- Window facing our property will overlook bathroom window.
- No.35 is on higher ground and so the extension will look higher from my property.
- The extension will enable the property to double its occupancy and must be considered to be over development.

The agent has also provided comments addressing the representations that have been received. Concerns were also raised with regards to an 'ingle nook fireplace' shown on the plans which appeared to be an additional extension not mentioned in the development description. The agent confirmed that this was an error and amended plans have been received which removed all reference.

## **Comments from Consultees**

Highways: No 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 48 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 Framework.

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

T3 Parking

#### Draft Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

#### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

#### **Planning History**

88/03463/FUL - Part 1/2 storey side extension - Application Permitted.

## Considerations

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

- Design
- Neighbouring amenity
- Highways
- 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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The single storey front extension will project forward in line with the existing porch and bay window leaving a separation distance of approximately 6.0m to the public highway. The extensions size, scale and bulk would not significantly alter the appearance of the host dwelling. The proposed depth and height of the extension would be subservient to the main dwelling and not overdevelop the site as a whole. The proposed pitched roof is sympathetic in design to the original roof, in keeping with the design of the host dwelling and the character of the surrounding area. It is therefore considered that the front extension will not harm the character of the area

or the streetscene in general. Insofar as is possible the proposed materials will match those of the host dwelling which would be complementary and compatible with the application site and developments in the surrounding area.

The single storey rear extensions size, scale and bulk would not significantly alter the appearance of the host dwelling. The extension will be stepped away from the boundary with No.33 and will retain the separation distance of 0.9m from the boundary with No.37. The rear wall of the extension will sit approximately 23.0m from the rear boundary with No.13 Romanhurst Gardens. It is therefore considered that the proposed depth and height of the extension would be subservient to the main dwelling and will not overdevelop the site as a whole. The rear extension would not be visible from the street and so will not harm the character of the area or the streetscene in general. Insofar as is possible the proposed materials will match those of the host dwelling which would be complementary and compatible with the application site and developments in the surrounding area.

The first floor side/rear extension will infill the north-west corner of the property, extending beyond the first floor rear wall by 0.9m. The extension will have a gable end pitched roof which sits approximately 1.1m lower than the main ridge line with an eaves height that matches that of the host dwelling. Policy H9 states that for proposals of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should normally be retained for the full height and length of the flank wall of the building. The proposed extension would sit above the existing kitchen which is situated less than 1.0m away from the shared boundary with No.37. As a result the proposed will not meet the requirements of the policy. Nevertheless, taking into consideration the proposed extensions pitched roof, its lowered ridge height, and that it sits at the rear of the property, it is considered that the proposed would not lead to a cramped appearance or to possible unrelated terracing. Indeed, it is noted that, the presence of the term 'normally' in the body of UDP policy H9 implies, a need for discretion in the application of the having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

The proposed roof extension would not raise the ridge height and would sit within the existing footprint of the property. The proposed dormer would sit below the main ridge line and would be set in from the eaves. Therefore it is considered that the proposed depth and height of the extension would be subservient to the main dwelling and would not overdevelop the site as a whole. The roof extension and dormer would not be visible from the street and so will not harm the character of the area of the streetscene in general.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension would complement the host property and would not result in a detrimental impact upon the spatial standards and visual amenity of the area.

#### 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 single storey rear extension will sit 0.9m away from the shared boundary with No.37 and approximately 4.6m away from the boundary with No.33. An objection has been received stating that the host property is on higher ground than No.37 and therefore the proposed will have an overbearing impact. Taking this into account it is nonetheless considered that because of the modest height and depth of the extension, along with generous garden sizes of the properties, the proposed will not adversely impact on the residential amenity of the neighbouring properties. The first floor side/rear extension would project beyond the rearmost wall of the property and would also sit 0.9m away from the shared boundary with No.37. Taking into consideration the arrangement of the properties, and the proposed height and pitched roof of the extension, on balance it is considered that there would be no significant impact on the amenities of the neighbouring occupiers to warrant a reason for refusal. The proposed window to the first floor flank elevation facing No.37 will serve a hallway and a condition can be included as part of any permission requiring for it to be obscure glazed which will reduce the risk of overlooking.

A number of objections have been received raising concern about the impact the proposed rear dormer and Juliet balcony will have on privacy. The roof extension will create a bedroom which, due to its elevated position, will result in a degree of additional overlooking through the introduction of a rear dormer window and Juliet balcony. The addition of the dormer and Juliet balcony is not considered to result in any significant loss of privacy to the adjacent properties above that which currently exists from the windows at first floor level. Furthermore, there is a significant distance to properties at the rear of the site. The proposed rooflights to the side roof slopes, because of their location and size, would not result in an increased chance of overlooking. Therefore, any increased loss to that which already exists is not considered significant enough to refuse on this basis alone.

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, privacy and prospect would arise.

### 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 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 proposed conversion of the garage to a study and utility room will result in the loss of one car parking space. There are spaces within the sites curtilage which would be utilised for vehicle parking and therefore, on balance, it is not considered that there would be any adverse impact on parking.

## 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.

## **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.

**as amended by documents received on 31.07.2018**

**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 first floor 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**