

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

Application No : 18/02959/FULL6

Ward:
Petts Wood And Knoll

Address : 77 Kingsway, Petts Wood, Orpington
BR5 1PN

OS Grid Ref: E: 545006 N: 167891

Applicant : Mrs Lee

Objections: YES

Description of Development:

Demolition of existing garage, single storey front, part one/ two storey rear and two storey side extensions and roof alterations to incorporate rear dormer and front rooflights.

Key designations:

Smoke Control SCA 4
Area of Special Residential Character

Proposal

The proposal involves a part one/two storey front, side and rear extension which would have a width of between 2.6m and 0.9m beyond the flank wall extending for the full length of the existing dwelling, linking up with the proposed rear extension at ground floor. The first floor side element would have a pitched roof which would be hipped and would match the main ridge height of the host dwelling, proposed height being 9m.

The proposed extension would involve a single storey front element which would project between 0.3m and 1.3m beyond the front elevation and would incorporate a pitched roof canopy above the front entrance (replacing an existing porch) and would have a length of 5.8m and a pitched roof with a height of 3.9m.

To the rear, the proposal would have a depth of rear projection of 3m spanning the full width of the dwelling at ground floor and would have a mono pitched roof with a height of 3.8m (eaves height would be 2.7m). The first floor element would have a depth of 3m, a width of 4.3m and a crown pitched roof with a height of 6.7m.

A rear dormer is also proposed which would have a width of 3.5m and a flat roof with a height of 2.1m.

Location and Key Constraints

The application site hosts a detached dwelling which is situated on the southern side of Kingsway, Petts Wood. The site falls within the Petts Wood Area of Special Residential Character.

Comments from Local Residents and Groups

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

Objection

- The new roof eaves overhang is at least 300mm. This together with the gutters would only be about 800 mm. From the true boundary vertical projection. This would have an adverse effect on the spatial street view between 77 and 79.
- true boundary line between 77 and 79 is in fact the extreme point of their gutter which projects off the side of the 1930s garage (as referred to in the deeds) therefore 100mm towards No. 77
- Proposal would be 1.1m of the boundary and not 1.2m which is understood to be contrary to planning guidance
- Property is in ASRC which note a 1.5m side space requirement
- Loss of outlook and light to large 1st floor landing window
- Note that there are no windows shown on the 1st floor side elevation which would face them
- Size of rear extension would mar the rear garden views of their property
- Would spoil overall rear appearance by being out of character with other local houses
- Will block some of the light to their hall, kitchen and breakfast room windows
- By reason of 3m depth, would overlook their rear garden and intrude on privacy and enjoyment
- Concerned that proximity of proposed extension will adversely affect their options to extend in future
- Large rear extension will block light to rear patio and main living room of No. 75 from mid-afternoon onwards
- One of the owner/occupier is mainly wheelchair bound and cannot access rear garden other than rear patio
- Lack of sun to patio would cut down enjoyment of the garden and would be detrimental to health and well-being
- Would affect open views to the rear
- 3m deep two storey extension would be incongruous overdevelopment

Local Groups

- Loss of garage which cumulatively could lead to an increase in on-street parking
- Two storey side extension should respect the Petts Wood ASRC as well as host building and established character of the area

- Should have due regard for spatial standards in the immediate locality
- Only 1.2m side space of two storey extension to westerns side and a wider side space exists in the area
- PWDRA prefer to side space to be maintained and as such, 1.5m might be more appropriate.
- The Petts Wood ASRC is covered by an Article 4 Direction designed to preserve the front roof slopes. As such, PWDRA would prefer that there are no roof lights within the front elevation.

Comments from Consultees

Highways: No objections raised.

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
- 7.8 Heritage assets and archaeology

Unitary Development Plan

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space
- H10 Areas of Special Residential Character
- T3 Parking
- T18 Road safety
- NE7 Development and Trees

Draft Local Plan

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 44 Areas of Special Residential Character
- 73 Development and Trees

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

18/00478/FULL6 - Demolition of existing garage. Front, side and rear single storey extensions. Two storey side and rear extensions and loft conversion with rear dormer. - Refused

The reasons for refusal were as follows:

1 The proposed part one/two storey rear extension by reason of its height, depth of rearward projection and proximity to the flank boundary would have a detrimental impact on the residential amenities that the occupiers of neighbouring dwelling at No. 75 Kingsway might reasonably expect to continue to enjoy, resulting in an overbearing visual impact, overshadowing and loss of outlook and prospect, thereby contrary to Policy BE1 and H8 of the Unitary Development Plan and draft policies 6 and 37 of the emerging local plan.

2 The proposed development would not accord with the general character of the Area of Special Residential Character in respect of two storey development adjacent to the boundary which would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies H10, H9 and BE1 of the Unitary Development Plan and Draft Policies 8, 44 and 37 of the Draft Local Plan.

Considerations

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

- Design
- Area of Special Residential Character (ASRC)
- Highways
- Neighbouring amenity
- CIL

Resubmission

The proposal is an amended scheme following a refusal under ref. 18/00478 for the demolition of existing garage. Front, side and rear single storey extensions. Two storey side and rear extensions and loft conversion with rear dormer.

The proposed amendments from the refused application which have been made are as follows:

- Reduction in width of the side extension at ground floor from between 3.7m - 2m to 2.6m - 0.9m
- At first floor, the width would be reduced from 2.8m-1.1m to 2.6m-0.9m
- A reduction in depth of the part one/two storey rear extension from between 4m-1.7m to 3m for its full length and height
- Reduction in width of the two storey rear element from 4.5m to 4.3m
- Reduction in height of the two storey rear element from a gable roof with a height of 8.2m to a crown pitched roof with a height of 6.7m.
- Omission of the rear juliet balcony within rear dormer and first floor elevation which are replaced with standard windows
- Reduced roof pitch of single storey extension to eastern side an reduction in height from 4.5m to 3.6m
- Front rooflights have been removed

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 H8 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions, respect the scale and form of the host dwelling and be compatible with surrounding development. They also seek to ensure the gaps and spaces between buildings are maintained and respected where they contribute to the character on an area.

The property is located within the Petts Wood Area of Special Residential Character. Policy H10 states that development in Areas of Special Residential Character would be required to respect and complement the established and individual qualities of the individual areas.

Policy H9 of the Unitary Development Plan (UDP) seeks to prevent a cramped overdevelopment of a site which can lead to unrelated terracing and to safeguard the amenities of the neighbouring properties. It requires any extensions of two or more storeys to have a minimum of 1m side space for the full height and length of an extension, in order to prevent a cramped appearance. In certain areas where high spatial standards exist currently, a greater level of side space is expected such as in an ASRC.

Following the previously refused application (ref. 18/00478), the proposed side extension would be set back further from the flank boundary by a gap of a minimum gap of 1.2m for its full height and length. The previous proposal (refused under ref. 18/00478) was built right up to the flank boundary at ground floor and provided only the minimum 1m side space at first floor, therefore the proposal would provide a more spacious separation to the flank boundary than that previously refused and is now considered to be comparable to the surrounding pattern of development. The proposal would provide a side space which is slightly above the minimum side space policy (H9) which requires a minimum separation of 1m to be retained to the side boundary for the full height and length of the two storey extension inclusive of any existing or proposed single storey aspects.

The site is situated within the Petts Wood ASRC where a greater than the minimum side space requirements is expected given the spacious character of the ASRC. As such, given the 1.2m side space proposed for the full length and height of the development, the proposal is not considered to result in a detrimental impact on the spatial standards of the local area and would not be out of character with the surrounding ASRC and local area in general.

Representations have been received which raised concerns regarding the position of the boundary line and it is noted that the boundary line on the proposed floor plans differs from the block plan as the boundary line is shown as a straight line on the floor plans however it is shown to narrow towards the front of the property along the line of the garages. It is therefore considered that a condition should be imposed to ensure that a 1.2m side space is provided from the flank wall of the proposed development to the boundary line.

The proposal involves a front extension and porch canopy which would project by 1.3m forwards of the main front elevation. The front extension would replace an existing detached garage and would not project beyond the front of the garage or neighbouring garage at No. 79. The properties, Nos. 77 and 79, currently have symmetrical gable fronted garages which are linked and therefore complement the surrounding development and streetscene. However, the proposal would have a sloping roof which pitches away from the front. The proposed front extension, given that there are many additions within the street scene and in the local vicinity and that the proposal would be set further back than the existing garages, is not considered to appear overly conspicuous in the streetscene and is not considered so detrimental as to warrant refusal on this basis alone.

Having regard to the form, scale, siting and proposed materials, it is considered that the proposed extension(s) would complement the host property and would not appear out of character with surrounding development or the ASRC generally.

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 proposal would result in the loss of an on-site car parking space as a result of the demolition of the attached garage. The proposal would therefore leave only 1 parking space on the frontage however there is room for an additional space if required. No objections have been raised by the Highways Officer to the proposal and given the scale of the development, it is not considered that it would result in a detrimental impact on road safety or the free flow of traffic.

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 proposal involves a two storey rear extension which, following the previously refused scheme (ref. 18/00478), has been reduced by 1m in depth to a proposed depth of 3m and would be sited near to the flank boundary (2.3m) with adjoining property to the east with a single storey extension extending within 1m of the boundary (an increase in separation of 0.2m in the previous refusal) with a tall steeply sloping pitched roof with a height of 3.6m (reduced from 4.5m). No. 75 has not benefited from a rear extension and only a modest single storey extension set back from the boundary with the host dwelling. This neighbouring property does

however project further rearward in its plot than No. 77 by approx. 1m. This neighbouring property has a first floor bedroom window and a main ground floor window which are close to the shared boundary. The current proposal would be reduced in depth so that it would project by 2m beyond the adjacent rear windows, which is a reduction of 1m and this projection which would not be excessive. Furthermore, the height and bulk of the roof has also been reduced from a high ridge height, (8.2m) with a gable to the rear to a crown pitched roof with a height of 6.7m which is a significant reduction. Given the above, it is considered that the proposal would not result in a seriously harmful visual impact or loss of outlook, prospect and light to the rear windows or rear patio of No. 75.

To the west, there would be a more significant separation from the two storey extension to the common boundary of 5.5m and there is rear garage to this side of the boundary providing a further level of separation to the habitable parts of No. 79. This neighbouring property has benefited from a rear extension and conservatory which would screen a large proportion of the depth of the proposal (approx. 2.5m deep). The proposal would also involve a part one/two storey side/rear extension which would be built 1m from the shared boundary there are ground floor flank windows to No. 79 near to the area of the proposed extension. Towards the rear of the extension at the side, the first floor aspect would have a width of 0.9m and would not extend beyond the rear elevation therefore it is not considered that its visual impact would be significantly more harmful than the existing flank wall. The flank windows to No. 79 are set back from the boundary by approx. 4.1m which is a significant amount and this would prevent a significantly adverse loss of light and outlook to the flank windows of No. 79 and the kitchen which these serve also benefits from a rear facing window. It is therefore considered that the separation would be sufficient to prevent a harmful loss of amenity to this neighbouring property.

The proposed rear dormer would provide an outlook at a higher vantage point than the existing fenestration however it would be situated at a distance of over 4.9m and 3.8m from the side boundaries and at least 33m to the rear boundary which is considered a sufficient separation to prevent a harmful level of overlooking or loss of privacy to the neighbouring properties.

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 Petts Wood ASRC and street scene 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 elevation(s) of the **** 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** A minimum side space as shown on the approved drawings shall be provided between the flank wall of the extension hereby permitted and the flank boundary of the property.

Reason: In order to comply with Policy H9 of the Unitary Development Plan and in the interest of the visual amenities of the area.