

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

Application No : 18/02935/FULL6

Ward:
Petts Wood And Knoll

Address : 33 Birchwood Road, Petts Wood,
Orpington BR5 1NX

OS Grid Ref: E: 545026 N: 168129

Applicant : Mr And Mrs Andrew And Sharon Wedge **Objections:** NO

Description of Development:

First floor side and single storey rear extensions incorporating balcony and raised patio area

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 4

Proposal

It is proposed to add a single storey rear extension which would incorporate a replacement balcony and extended patio, along with roof extensions comprising side and rear dormers and front and side rooflights.

The proposed single storey rear extension would project 2.8-3.3m to the rear and would be set back 3.2m from the western flank boundary with No.35. It would infill the area adjacent to the extension two storey rear extension at the property.

The existing catslide roof to the western side of the dwelling currently has a side dormer window, and it is proposed to add a second dormer adjacent to it that would be of the same size and design. It is also proposed to add a rear dormer extension, three rooflights to the front roof slope and one to the eastern and western roof slopes in order to provide accommodation within the roof space

Location and Key Constraints

This detached two storey dwelling is located on the southern side of Birchwood Road, and lies within Petts Wood Area of Special Residential Character. The surrounding area is generally characterised by large detached dwellings set within spacious plots.

The dwelling currently has a rear first floor balcony with access from a bedroom, and a two storey rear extension to its eastern side.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

This application was 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.

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

Unitary Development Plan

H8 Residential extensions

H9 Side space

H10 Areas of Special Residential Character

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

44 Areas of Special Residential Character

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:

Permission was refused in December 2017 (ref.17/04713) for a two storey rear extension, a first floor side extension and a single storey rear extension with balcony over and extended patio on the following grounds:

- 1 The proposed first floor side extension would not appear subservient to the host dwelling, and its size, bulk and close proximity to the side boundary of the site would result in a cramped form of development that would have a detrimental impact on the character and spatial standards of Petts Wood ASRC, thereby contrary to Policies H8, H9 H10 and BE1 of the Unitary Development Plan and draft Policies 6, 8, 37 and 44 of the emerging Local Plan.
- 2 The proposed first floor/two storey side/rear extension would, by reason of its size, bulk and close proximity to the boundary with No.35 Birchwood Road, result in a significant loss of light to and outlook from this property, detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan and draft Policy 37 of the emerging Local Plan.

Permission was refused in May 2018 (ref.18/00815) for a single storey rear extension incorporating a replacement balcony and extended patio and a loft conversion with side and rear dormers and front and side rooflights on the following grounds:

"The proposed side dormer and front roof lights would, by reason of their siting and appearance, result in a form of development that would have a detrimental impact on the character and spatial standards of Petts Wood Area of Special Residential Character, undermining the distinctive characteristics and rhythm of the street scene, thereby contrary to Policies BE1, H8 and H10 of the Unitary Development Plan, Policies 6, 37 and 44 of the draft Local Plan and Policies 7.4, 7.6 and 7.8 of the London Plan."

An appeal against this refusal was lodged on 16th August 2018.

Considerations

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

- Resubmission
- Design and Impact on Petts Wood Area of Special Residential Character
- Neighbouring amenity
- CIL

Resubmission

The proposals have been revised since the 2018 refusal by replacing the two side dormers in the western roof slope with a first floor side extension, and removing the loft conversion, rear dormer and rooflights.

Design and Impact on Petts Wood Area of Special Residential Character

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.

This property is located within an Area of Special Residential Character which is characterised by large detached dwellings with good separations provided to the side boundaries. The dwelling currently has a catslide roof on its western side with a small side dormer window, and it is proposed to remove the dormer and replace it with a first floor side extension with pitched roof to match the existing which would be 3.4m in width. This would be approximately 1m narrower than the first floor side extension proposed in the 2017 scheme, and would maintain a 3.4m separation to the flank boundary with No.35. The Council's side space policy would not be contravened, and the revised proposals would satisfactorily overcome the first ground for refusal of the 2017 scheme.

The proposals are not considered to detract from the appearance of the dwelling, nor appear out of character with Petts Wood Area of Special Residential Character.

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 first floor side extension to the western flank elevation would be set back 3.4m from the flank boundary with No.35, and the two flank windows would be to bathrooms and can be conditioned to be obscure glazed to prevent overlooking of the neighbouring property. The proposed single storey rear extension would project 3.3m to the rear, set back 3.4m from the western flank boundary with No.35, and would not result in undue loss of light or outlook from the neighbouring property. The second ground for refusal of the 2017 scheme would therefore be overcome.

The proposed rear balcony would replace an existing balcony, and would be largely screened from the adjacent properties by the existing two storey rear extension to the east, and the proposed single storey rear extension with pitched roof to the west.

Subject to the imposition of a condition regarding the use and retention of obscure glazing to the proposed first floor flank windows, it is not considered that an unacceptable loss of light, privacy or prospect to neighbouring dwellings would arise.

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 as it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and spatial standards of Petts Wood ASRC.

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 windows in the western flank elevation of the first floor side extension 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 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.