

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

Application No : 18/03464/FULL6

Ward:
Chislehurst

Address : 4 Duggan Drive Chislehurst BR7 5EP

OS Grid Ref: E: 542072 N: 170907

Applicant : Mr Sandeep Nanda

Description of Development:

Conversion of existing garage into a studio, to include first floor loft space, rear dormer and closed veranda with glass roof and patio with wood louvers shading

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 10

Proposal

Planning permission is sought for erection of single storey rear glazed and timber extension to garage, dormer window to rear garage roof slope and conversion to habitable room (art studio).

Location and Key Constraints

The site is No. 4 Duggan Drive, Chislehurst, a detached two storey dwelling located in the south west corner of the road. Duggan Drive is a recent mid-2000s housing estate of mainly detached two storey dwellings with a flatted block at the northern end. The land slopes downwards from southwest to northeast. There is a detached triple garage at the northern elevation of the dwelling.

Comments from Local Residents and Groups

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

Local Groups

The Chislehurst Society

- The proposed rear dormer would dominate the otherwise simple roof formation and could detract from an otherwise attractive conversion,
- If planning permission is granted the following conditions would be welcomed:

- The outbuilding shall be used only by members of the household of the dwelling,
- The outbuilding shall be used only for purposes ancillary to the use of the dwelling and not as a separate independent dwelling or planning unit,

Comments from Consultees

- Highways: Duggan Drive is a private road. There is space for a number of vehicles to be parked on the frontage and therefore there is no objection.

Planning History

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

02/00183/FULL1 - Demolition of existing buildings and erection of 8 five bedroom and 2 three bedroom detached houses, 5 three bedroom apartments within mansion block to rear with 4 two bedroom key worker apartments on Wood Drive frontage, with new access road and associated hard and soft landscaping was approved (subject to legal agreement) on 10 March 2003. Condition No. 15 required the approved parking spaces and garages to be provided and permanently retained in accordance with the approved drawings unless otherwise agreed in writing by the Local Planning Authority.

03/02388/CONDIT - Details of hard and soft landscaping pursuant to permission 02/00189/FULL1 was approved on 13 August 2003.

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 shall 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
T3 Parking
BE1 Design of new development
NE7 Development and Trees

Draft Local Plan

6 Residential Extensions
8 Side Space
30 Parking
37 General Design of Development
73 Development and Trees

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Considerations

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

- Principle
- Design including landscaping
- Neighbouring amenity
- Highways
- CIL

Principle

The site lies within an urban/suburban area where there is no objection in principle to new residential extensions subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications and the heritage impacts.

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.

The proposed extensions to the existing garage would be subservient to the building and would not result in an overdevelopment of the building or a cramped appearance having regard to the scale and mass of the existing building and the space around it and between other buildings including the host dwelling. The proposed roof would form a gable end in the place of the existing 'barn hipped end' however it would be viewed in context to the flank of the dwelling, the space between them is already relatively enclosed and the additional roof mass and further enclosure of the space would be relatively indiscernible. The additional building mass to the rear of the building would be similarly screened from view by the existing building and garage in front and as such it would only be glimpsed through limited and oblique angles from the street scene. The proposed design would complement and would not detract from the appearance of the existing building.

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 area generally. The proposal would not affect trees, planting or other landscaping within the site or on other neighbouring sites.

The proposed use of the garage would continue to remain ancillary to the use of the residential dwelling and would not be separately inhabited or form a business use in its own right. Such uses or intensification of uses may detract from the character and appearance of the site and its setting in Duggan Drive and on this basis it would be prudent to ensure that the building is not separately used for purposes not ancillary to the domestic use of the dwelling and this could be managed by planning condition as necessary.

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 garage is positioned alongside and to the rear of the existing dwelling. It is also positioned well beyond the rear of the adjacent neighbouring property No. 5 Duggan Drive. As mentioned above the proposed extensions would be positioned behind the existing garage structure and in combination with their relatively modest size, scale and physical bulk they would not have a significantly harmful impact on the amenities of the neighbouring property(ies) by reason of overshadowing and overbearing effect. Having regard to the scale, siting, separation distance, orientation, 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.

The main outlook of the proposed extensions would be to the west (rear) of the site and away from the neighbouring properties and their private amenity spaces; where there would be limited additional overlooking over and above that which may already exist from the current dwelling. However it would be prudent to ensure that no upper floor side flank windows are inserted in the interest of preserving neighbouring privacy amenity. Subject to the imposition conditions regarding the insertion of additional windows it is not considered that an unacceptable loss of privacy to neighbouring dwellings 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 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.

The site has relatively poor accessibility to public transport, the PTAL is 2, and there is a high demand for parking on the residential estate and therefore the

property should continue to have at least 2 spaces; in accordance with the Council's parking standard, to avoid/alleviate the inherent parking demand/pressure. Although the proposal would lead to the loss of the existing triple garage there would remain space for a number of vehicles to be parked on the frontage and therefore there is no objection from the Council's Highway Department.

CIL

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

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: To comply with Section 91, Town and Country Planning Act 1990.

- 2 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.

- 3 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.

- 4 No windows or doors shall at any time be inserted in the upper floor north or south flank elevations or roof slopes of the studio 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** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6** The studio hereby permitted shall only be used for purposes incidental to the residential use of the main house and for no other purpose.

REASON: In order to comply with Policies BE1 of the Unitary Development Plan and in the interests of the residential amenities of the area.

You are further informed that :

- 1** The applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:
https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16