

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

Application No : 18/03886/FULL6

Ward:
Shortlands

Address : 112 Shortlands Road, Shortlands,
Bromley BR2 0JP

Objections: Yes

OS Grid Ref: E: 538705 N: 168628

Applicant : Mr Andrew Mowat

Description of Development:

Two storey side extension incorporating Juliet balcony to first floor and single storey rear/side extension

Key designations:

Conservation Area: Shortlands
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 21

Proposal

Planning permission is sought for the construction of a part one/two storey extension to the host cottage.

The submission seeks to overcome the grounds for refusal of planning permission under reference 18/00161/FULL6.

The existing lean-to kitchen would be demolished and replaced by a two storey side extension which would be positioned at the end of the existing cottage. The two storey extension would incorporate a dual pitched roof, the ridgeline of which would be perpendicular to that of the main host dwelling, being set at a right angle to the front elevation and projecting forwards of the focal front elevation.

The single storey element would be positioned adjacent to the north western boundary of the site and would be for the full length of that boundary. The rear wall of the single storey extension would lie immediately adjacent to the boundary and would replace the existing timber boundary fence with a solid brick boundary wall.

The building would be constructed with facing black timber cladding in a Kentish barn style with a black standing seam metal roof. The boundary wall would be of red brick.

The applicant has submitted a daylight study (winter and summer equinoxes), Design and Access Statement and an analysis of the impact of the proposals on neighbouring amenity.

Location and Key Constraints

The application site is located on the west side of Shortlands Road and is occupied by two buildings. The main house (No. 114) was constructed in 1868 and sits back from the main road and has a single access and gravelled driveway leading directly from the road with parking in front of the building. The second building, known as the Coach House (No.112), sits further forward on the plot and closer to the road. It has a separate access from the road and is physically joined to the main house by a flat roofed structure. The main house (114) is a Grade II Listed Building and comprises 7 flats. It is understood that No. 112 may originally have been a stable wing which was a later addition to the main listed building.

The application site borders several properties fronting Shortlands Road, Waldron Gardens and Scotts Lane. To the north of the site is a single storey building used as a local library. The site is within the Shortlands Road Conservation Area which was designated in 1989.

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

- The proposal will block out light to neighbouring property.

Comments from Consultees

APCA: No objections in principle although the massing of the extension could be improved by a slight gap between the two.

Conservation Officer: the applicant has made a significant reduction in the bulk of the proposed extension by shortening the forward projection and lowering the ridge height. The single storey element would have very limited impact on the CA when viewed from Shortlands Road. The proposed design has a traditional form but using contemporary materials. A contrast in materials can create visual interest when used on an extension that is suitably subservient scale.

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

H8 Residential extensions

H9 Side space

BE1 Design of new development

BE8 Statutory listed buildings

BE11 Conservation areas

BE14 Trees in conservation areas

Draft Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

38 Statutory Listed Buildings

41 Conservation Areas

43 Trees in Conservation Areas

73 Development and Trees

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Supplementary Planning Guidance for the Shortlands Conservation Area.

Planning History

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

08/00603/FULL1 Elevational alterations and conversion of 114 to provide a total of 5 flats and 8 car parking spaces including detached annexe and erection of 2 semi-detached four bedroom houses with associated parking and access drive at rear. Demolition of 112 and replacement detached four bedroom dwelling plus associated car parking. REFUSED

08/00641/LBC Demolition of 112 Shortlands Road. Single storey and first floor extensions. Elevational alterations including partial demolition of existing extensions. Interior alterations to provide 5 flats including 1 in detached annex LISTED BUILDING CONSENT REFUSED

09/00036/FULL1 Elevational alterations and conversion of 114 to provide a total of 5 flats and 8 car parking spaces with a detached annexe containing a two bedroom flat and erection of one detached five bedroom house with associated parking and access drive at rear. Demolition of 112 and replacement detached four bedroom dwelling plus associated car parking REFUSED AND APPEAL DISMISSED

In dismissing the appeal the Inspector noted that the main impact of the development as seen from the public domain would have been the new 4 bedroom dwelling which was proposed to replace No. 112. It was noted that the new dwelling would include design detailing similar to the adjacent listed building and although it was more bulky and further forward than the existing building at No. 112 it was considered to enhance the character and appearance of the conservation area because of its design quality. The new dwelling at the rear (5 bedroom) was in contrast considered to be detrimental to the character and appearance of area, undermining the spatial characteristics of the site and appearing cramped. IN terms of the impact of the new dwelling/demolition of No. 112 on the setting of the listed building it was considered that the new dwelling at 112 would not have an unacceptable impact.

09/00104/LBC LISTED BUILDING CONSENT REFUSED AND APPEAL DISMISSED

10/02132/LBC Demolition of 112 Shortlands Road. Single storey and first floor extensions. Elevational alterations including partial demolition of existing extensions. Interior alterations to provide 5 flats and one detached one bedroom annex flat. LISTED BUILDING CONSENT REFUSED

10/02750/FULL1 Elevational alterations and conversion of 114 to provide a total of 5 flats with a detached annexe containing a one bedroom flat and demolition of 112 and replacement detached four bedroom dwelling plus associated car parking.

PERMISSION

10/02750/AMD AMENDMENT: to amend description of development to reflect the approved plans in relation to detached annexe. Description to read:

'Elevational alterations and conversion of 114 to provide a total of 5 flats with a detached annexe containing a two bedroom flat and demolition of 112 and replacement detached four bedroom dwelling plus associated car parking'

APPROVED

17/04053/FULL1 Single storey rear extension, replacement porch, erection of pergola to side and internal alterations (Flat 2 at 114).

PERMISSION

18/00161/FULL6 Demolish lean-to kitchen and replace with two storey side extension and single storey rear storage and utility room.

REFUSED

1 The proposal, by reason of its scale, siting in relation to the host dwelling and materials would appear incongruous and out of character with the host dwelling, detrimental to the visual amenities of the area and the character and appearance of the Conservation Area and harmful to the appearance of the host dwelling, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan, Policies 7.4, 7.6 and 7.8 of the London Plan. Supplementary Planning Guidance 2 (Residential Design Guidance) and the SPG for the Shortlands Road Conservation Area.

2. The proposal by reason of the scale, siting and orientation of the development would have a detrimental impact on the amenities of the adjoining properties by reason of overbearing visual impact and overshadowing in view of the size, height and depth of the extensions and their relation to the boundary of the site, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan and Policy 7.6 of the London Plan.

Considerations

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

- Resubmission
- Design
- Heritage Impact
- Neighbouring Amenity

Resubmission

The application has been submitted in an attempt to address the grounds for refusal of permission under reference 18/00161/FULL6.

The current proposals differ from the previous scheme in the following:

- Reduction in depth of projection in front of main front elevation from 4m to 2.3m (1.5m forwards of the single storey ground floor element as existing).
- Reduction in the ridge height of the proposed two storey extension by 0.3m (ridge height lower than main dwelling).
- Provision of red brick elevation to northern elevation to form boundary with adjacent property rather than black timber cladding as previously proposed.
- Deletion of north facing first floor landing window.

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.

In refusing planning permission it was considered that the scale, siting and appearance of the extension would have competed visually with the host building, with the lack of subservience of the two storey extension and the forward projection of that element being of particular concern. The use of contrasting materials was considered to be acceptable while the proportions and appearance of the extension were considered to compete visually with the host dwelling and the surrounding area.

The current proposal would retain a forward projection beyond the host building, but the depth of this projection has been reduced and the ridge height would be lower than the main building. On balance, it is considered that the amended proposal would have a greater degree of subservience, although it would still project forwards of the main building. The use of contrasting materials would tend to provide a strong visual cue regarding the evolution of development at the site, with the original host dwelling and the proposed extension being readily distinguishable from each other. In assessing the merits of the previous scheme, it was considered notwithstanding this that the combination of the contrasting materials with the bulk and scale of the extension cumulatively resulted in an over dominant and visually intrusive development. While the extension would be large, its orientation relative to the main focal front elevation would also prevent there being significant visual competition between the original and contemporary elements. The dwelling is sited in a somewhat secluded position and it is

considered that this setting in conjunction with the mitigations above would limit the visual impact of the development on the locality in general and the conservation area in particular to a satisfactory degree.

Heritage Impact

The NPPF sets out in section 12 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.

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.

Impact on Listed Buildings and their setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

On balance it is considered that the reduction in the height and forward projection of the extension addresses the previous concerns regarding the impact of the proposal on the character and appearance of the conservation area in terms of the dominance of the extension relative to the proportions and massing of the host dwelling. The proposal would have a more visible subservience to the host dwelling in terms of its scale and taking into account the reduction in the forward projection of the extension in front of the main dwelling. Where the overall scale and increased forward projection of the proposed extension in the refused scheme was considered in conjunction with the contrasting materials to exacerbate the visual impact and overdominance of the development, the reduction in the scale of the development proposed is considered to result in an extension that complements the scale and appearance of the host dwelling more readily and which has a neutral impact on the character and appearance of the conservation area within which the site is located.

It is noted that the neighbouring building is Listed. In refusing the previous application concern was not expressed regarding the impact of the proposal on the setting or special interest of the neighbouring building, but rather on the impact on the character and appearance of the conservation area and the appearance of the host property. Taking into account the design, scale and materials of development it is not considered that the proposal would have a detrimental impact on the Listed building. If permission is granted

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 second reason for refusal of the application under reference 18/00161/FULL6 referred to the scale, siting and orientation of development and the overbearing visual impact and overshadowing associated with the size, height and depth of the extensions and their relationship with the boundary of the site.

This application attempts to address these concerns by providing a red brick boundary treatment to the boundary with the adjoining residential property rather than the black timber cladding previously proposed. The height of the single storey extension in relation to the boundary is as previously proposed, at 2.55m (0.55m higher than potential permitted development boundary treatment) but the roof treatment is different and the bulk of the extension would be built off the brick boundary wall which would reduce the visual impact of the extension from the neighbouring garden. The first floor flank facing window has been deleted where it faced towards the adjacent garden of No. 114. Where an open courtyard was proposed to be provided at the immediate rear of the property, that would have a glazed roof in the current proposals.

The applicant has provided additional analysis of the impact of the proposal on residential amenity, including daylight/sunlight surveys and an assessment of the impact of the clear roofed dining room in terms of light spillage.

The assessment of the impact of the extensions upon neighbouring amenity, and in particular the adjacent flat(s) to the north-west, is finely balanced. In terms of this relationship, the length of the extension adjacent to the boundary would be significant. However, the height of the extension above a standard boundary treatment would only be in the region of 0.5m higher than that which would be considered permitted development. It is further noted that the covered walkway through the neighbouring building provides some separation, and that the centre of the neighbouring nearest ground floor window is approx. 2m from the boundary wall and has an open aspect to the other side.

While the proposal would still be for the full length of the flank boundary, the relationship between the extension and the neighbouring flat(s) (including the

separation afforded by the covered rear passage), the provision of a walled boundary rather than the fence/wall combination previously proposed, and the additional information provided including daylight studies for the winter and summer solstice is considered on balance to overcome the previous ground for refusal in respect of impact on residential amenity. While the extension would have a visual impact being visible from the neighbouring nearest window, it is not considered on balance that this impact would be so significant as to warrant the refusal of planning permission.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy. Further standards and guidance are set out in the Housing SPG.

CIL

The Mayor of London's CIL is a material consideration. CIL would not be payable on this proposal

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, and would preserve the character and appearance of the conservation 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** Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

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 UDP and in the interests of visual and residential amenity.