

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/03719/FULL6

Ward:
Petts Wood And Knoll

Address : 37 Birchwood Road Petts Wood
Orpington BR5 1NX **Objections: Yes**

OS Grid Ref: E: 544981 N: 168126

Applicant : Mrs Ridgeway

Description of Development:

Conversion of existing garage to form habitable space, single storey rear extension, first floor rear/side extension to incorporate juliet balcony and raised gable roof

Key designations:

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

Proposal

The proposal seeks permission for a single storey rear extension, first floor side/rear extension with Juliet balcony at rear, raised gable roof and conversion of garage to form habitable accommodation. The resulting ground floor and first floor habitable accommodation above the converted garage will form a separate one bedroom unit.

The structure of the existing ground floor integral garage will remain, as will the front garage door. Directly behind the garage door an internal wall will be built which will allow for the habitable accommodation to be built within the existing garage space. A single storey extension is proposed to the rear of the existing garage structure, which will measure approx. 1.5m in depth by approx. 3.1m in width, with the rear and flank elevation being built in-line with those of the host dwelling, and this element will form a sun room to serve the newly created separate unit.

At ground floor level, there will be a separate kitchen, lounge / dining room and sun room to the rear which will be formed by the single storey rear extension element of the proposal. A new staircase leading to the first floor level is also proposed at ground floor, within the front area of the existing garage space.

At first floor level, the existing en-suite bathroom will be converted to a new bedroom with en-suite, and the first floor side/rear extension element of the

scheme, which will measure approx. 3.4m in depth by approx. 3.2m, will form a new en-suite for an existing bedroom within the host dwelling. French doors and a Juliet balcony is proposed to the rear elevation of the first floor extension to serve the new en-suite bathroom.

The resulting accommodation at ground/first floor will have no internal link to the host dwelling - the elevation alterations proposed to the flank elevation of the existing garage will result in a new single door entering into the new lounge/dining room, along with 3 new windows to serve the habitable accommodation at ground floor, and one new window in the first floor flank elevation to serve the new en-suite for the separate unit.

The front and rear elevations of the first floor side extension will both have gable end features.

The proposal will result in the loss of the internal car parking space within the existing garage, but will not alter the car parking layout to the frontage of the property.

Location and Key Constraints

The application site hosts a detached dwelling on the southern side of Birchwood Road, located 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:

- Proposed bathroom will impact negatively on the light to neighbouring dwelling;
- Proposed Juliet balcony and clear glazed double door would overlook patio and garden, affecting privacy;
- Would object to any further windows being added to this room.

Local residents association, Petts Wood & District Residents' Association (PWDRA), provided the following comments:

- The front gable proposed on the eastern side looks odd and disconnected with the main roof;
- The side space on the proposed build i.e. over the existing garage, would be 1100mm. As this property is situated within the Petts Wood Area of Special Residential Character (ASRC), wider side spaces should be sought, particularly where these exist already. Currently, views through to the woodland at the rear can be seen from the street scene. This public amenity would be closed off by this proposal;
- The proposed Juliet balcony at the rear would increase the overlooking and affect the privacy and amenity of the neighbouring residents at number 35 Birchwood Road;

- There appear to be errors in the plans as submitted. On the submitted drawings plan detailing front/side/rear elevations - the existing and proposed rear elevations show the bay window on opposite sides plus the proposed side elevation states 'when viewed from 39' - this should read 35? Also top right states 'View from 33 Birchwood Road' - the application property does not share a boundary with 33 Birchwood Road.

Comments from Consultees

The Council's Highways Engineer stated that as the property has an "in and out" driveway with parking for a number of vehicles, no technical objection is raised to the conversion of the garage to habitable accommodation.

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

T3 Parking

T18 Road safety

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

7 Additional Accommodation for Family Members

8 Side Space

44 Areas of Special Residential Character

30 Parking

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

There is no planning history at the application site.

Considerations

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

- Petts Wood Area of Special Residential Character
- Design
- Highways
- Neighbouring amenity
- CIL

Petts Wood Area of Special Residential Character

When considering applications for new development in Areas of Special Residential Character (ASRCs), it is important to not only apply the general housing policies in Chapter 4 of the UDP, but also pay particular regard to Policy H10 and the following development control guidelines for such areas:

- i. developments likely to erode the individual quality and character of the ASRCs will be resisted. Reference will be made to the description of areas given below for a determination of individual quality and character;
- ii. residential density shall accord with that existing in the area;
- iii. spatial standards of new development (plot width, garden depth and plot ratio) shall accord with the general pattern in the area
- iv. the general height of existing buildings in the area shall not be exceeded;
- v. the space between a proposed two or more storey development and the side boundary of the site should accord with that prevailing in the area;
- vi. backland development will not be permitted;
- vii. new development will be required to take account of existing front and rear building lines;
- viii. existing mature trees and landscaping shall be retained wherever possible;
- ix. conversions, where appropriate, will only be acceptable where they do not alter the external appearance of the building;
- x. proposals, including conversions that are likely to significantly increase the proportion of hard surfacing in front of existing properties, will be resisted unless accompanied by satisfactory landscaping proposals;
- xi. materials shall match or complement those in adjoining existing developments; and
- xii. areas of land indicated as Urban Open Space on the Proposals Map will not be developed for any purpose.

The original plans for Petts Wood date from the late 1920s and early 1930s. While the houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Within the overall area the Conservation Areas of the Chenies and Chislehurst Road already stand out.

The Petts Wood ASRC has an open, suburban and semi-rural feel, predicated by low boundaries and visible front gardens set back from the road as well as the width of the separation between the houses which is of a particularly high standard. This allows many of the trees and greenery which prevail throughout the area to be seen from the street. Large rear gardens also provide the area with a high level of amenity.

The emerging Local Plan provides further detail with regard to the overall character of the Petts Wood ASRC, however it should be noted that when considering future development within the Petts Wood ASRC, the main focus should be on the impact of any proposed development upon the ASRC, taking into account the design and spatial standards, including the low density of existing development. Proposals which undermine the character, rhythm, symmetry and spatial standards of the area will be resisted unless very special circumstances can be demonstrated.

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.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed development would appear incongruous with the host dwelling. The front gable proposed on the eastern side appears disconnected with the main roof of the host dwelling; the gable feature to the main roof of the host dwelling is towards the right hand side of the front elevation (western side), whereas the new first floor side extension with front gable feature would be to the opposite side of the front elevation of the host dwelling (eastern side), and it is considered that this would not complement the overall design or character of the host dwelling.

In addition, as a result of the proposed first floor side extension, the separation between the flank elevation and the property boundary would measure approx. 1.1m. Whilst Policy H9 of the UDP requires a minimum of 1m separation in order to preserve the spatial standards of an area, where greater standards of separation exists such as within an ASRC or conservation area, a greater degree of separation would be required.

Whilst it is appreciated that the ground floor aspect of the garage is already in position at 1.1m away from the property boundary, the introduction of the first floor aspect with the front gable feature results in not only a form of two storey development within a close proximity to the property boundary that would not comply with the requirements of Policy H9 within areas of greater standards of separation, but the front gable feature would add additional bulk to the property within close proximity to the boundary and further exacerbate the reduction in spatial standards. The ultimate result of the proposal would therefore be a bulky form of development close to the eastern property boundary that would not only be out of keeping with the host dwelling itself, but would also result in a cramped form of development within close proximity to the property boundary that would have a seriously detrimental impact upon the overall character of the Petts Wood ASRC that the host property lies within.

There are properties within the vicinity that have the benefit of an enlarged roof to the original dwelling, however the positioning of the roof enlargement / addition results in a more symmetrical appearance, or is sited closer to the main gable feature of the host dwelling, as opposed to the current proposal at No.37 where the new gable feature would be on the opposite side of the host dwelling to the existing main gable feature.

Turning to the proposed single storey rear extension element of the scheme, which will have a rearward projection of approx. 3.1m and result in the rear and flank elevations of the extension matching the rear and flank elevations of the host dwelling, effectively 'squaring-off' the host dwelling, this element is not considered to cause harm to the overall design and appearance of the host dwelling.

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.

Whilst the proposal involves the loss of the integral garage by the conversion to habitable accommodation, there is sufficient space to the frontage of the site to allow for vehicles to park and therefore there will be no detrimental impact upon highways conditions.

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.

Having regard to the scale, siting, separation distance and 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 when assessing the development to the front of the host dwelling, however when looking at the first floor extension to the rear, concerns are raised with regard to the impact that the development may have upon the amenities of the occupiers of No.35.

The additional first floor rear extension would increase the rearward projection of built development at first floor level, and given the addition of the gable end feature to the rear, this will further increase the overall level of bulk, that given the minimal separation to the shared property boundary, may result in harm to the visual and residential amenities of the occupiers of No.35.

Concerns have been raised with regard to the Juliet balcony by neighbouring dwellings. Whilst these concerns are taken into consideration, it is felt that whilst the Juliet balcony proposed to the rear elevation would allow for a great level of outlook through the French doors as proposed, the Juliet balcony would not afford

users of this new bathroom a terrace area, and as such, this element is not considered to result in undue loss of privacy to occupiers of neighbouring dwellings so as to warrant a refusal ground. There is sufficient separation between the application site and dwellings to the rear so as to prevent undue harm to occupiers of dwellings at the rear of the application site.

The proposed single storey rear extension element of the scheme is not considered likely to give rise to any detrimental impact upon the visual or residential amenities to the occupiers of No.35.

With regard to the introduction of a separate unit within the host dwelling, by way of converting the existing ground floor garage, introducing a new staircase within the resulting accommodation, and providing no internal link from the new unit/annexe into the host dwelling, it is considered that this is entirely unacceptable in principle and would result in a form of overdevelopment within the site that would be out of keeping with the character and use of properties along the road and within the vicinity, which is substantial of single family dwellings.

Policy H8 of the UDP (para 4.47) states in effect that whilst 'granny annexes' can provide accommodation which enables a family member to care for an elderly or disabled relative, issues can arise where a self-contained unit would result that could potentially be severed from the main dwelling. This policy states effectively that if this were to occur, then it could result in sub-standard accommodation with inadequate privacy, parking, and amenity space, and it is also likely to be out of character with the surrounding area, and ultimately detrimental to residential amenity. Such extensions should be designed to form part of the main dwelling. The current application has not designed the extension to form part of the dwelling but to be easily severed from the original dwelling, particularly with the provision of the new access to the front of the property which provides a separate staircase leading to the first floor bedroom and en-suite bathroom, with no internal link to the host building at either ground or first floor level.

The proposal therefore is considered to result in an extension to the original dwelling that could be easily severed to form a new unit entirely separate from the host dwelling, which would result in an overdevelopment of the site at an excessive residential density, contrary to Policies H8 and H7 of the Unitary Development Plan and draft policy 7 of the emerging Local Plan. The proposal to subdivide the host building would also likely result in a detrimental impact upon the amenities of local residents and the character of the ASRC in general by severance of the host dwelling into two units, which would increase the residential density of the plot and be contrary to the general character of the properties within the ASRC which as previously described consists of large single family dwellings on substantial plots.

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 unacceptable. The proposed first floor side extension would appear incongruous within the host dwelling itself which in turn would have a detrimental impact upon the character of the streetscene and the ASRC in general. Concerns are also raised that the first floor side/rear extension and conversion of the garage will result in a self-contained unit utilising the converted garage and part of the first floor element as a separate unit, which would result in an unsatisfactory overdevelopment of the site which would increase the density on the site and contravene the aims of the ASRC designation of the area that the host property lies within.

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: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed design of the first floor side-rear extension indicated on the submitted drawings would be out of character with the host dwelling and detrimental to the visual amenities and spatial standards of the Petts Wood Area of Special Residential Character, contrary to Policies BE1, H8, H9 and H10 of the Unitary Development Plan, Policies 37 and 44 of the emerging Local Plan, and SPG 2.**
- 2 The proposed first floor side extension and conversion of garage, having no internal link to the host dwelling, would result in a separate unit severed from the main dwelling which would result in an undesirable overdevelopment of the site prejudicial to the amenities of the area and contrary to Policies BE1 and H8 of the Unitary Development Plan and Policies 7, 37 and 44 of the emerging Local Plan.**