

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

Application No : 18/02491/FULL6

Ward:
Bickley

Address : Two Jays 38 Highfield Road Bickley
Bromley BR1 2JW

OS Grid Ref: E: 542618 N: 167954

Applicant : Mr Gordon Mallors

Objections : YES

Description of Development:

Single storey rear/side extension, hip to gable conversion with rear dormer for attic conversion, relocation front door and new front entrance and window alterations, railings and gates.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12
Smoke Control SCA 13

Proposal

Planning permission is sought for erection of single storey side and rear extension, hip-to-gable roof extension, rear dormer window extension, relocation of front entrance door, window alterations and erection of approximately 1.8m high railings and gates.

Location and Key Constraints

The application site is Two Jays, No. 38 Highfield Road, Bromley, a detached post war dwelling located on the western side of the highway, between the junctions with Waldegrave Road and Ringmer Way. The land is predominantly level throughout with boundaries marked by a mixture of close boarded fencing, trees and vegetation and a part brick wall and a part picket fence to the highway. The application building has been previously extended. The area is residential in nature and is characterised mainly by detached two storey dwellings; generally set within spacious plots, although there are some semidetached two storey dwellings nearby to the south east. There is a cluster of locally listed buildings in Waldegrave Road. The application site does not lie within a Conservation Area or an Area of Special Residential Character.

Planning History

86/03001/FUL - Erection of single storey side and rear extensions and first floor side extension was approved on 8 December 1986. It is not clear whether this has been implemented.

00/01337/FULL1 - Erection of part single storey/part two storey side extensions was approved on 16 June 2000 and this has been implemented.

Considerations

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

- o Principle
- o Design and landscaping
- o Standard of residential accommodation and neighbouring amenity
- o Heritage Impact
- o Highways
- o CIL

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 makers 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 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 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

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

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 Applicant has not discussed the proposal with neighbouring occupiers nor designed the proposal to reduce impact on neighbouring properties,
- The dwelling has already been significantly extended and occupies a lot of the plot,
- The height, width, position and amount of glazing in the proposed roof extension dormer window would overlooking neighbouring properties; harming the privacy amenity of their dwellings and gardens; contrary to the UDP and Human Rights Act,
- The size and scale of the proposed roof extension; creating a third storey, would appear out of scale, dominant and overbearing on the property,
- The design would be out of keeping and would fail to respond to the local character, history, identity and materials,
- The proposal would adversely affect the setting of Locally Listed Buildings,

Comments from Consultees

Conservation Officer: The proposal itself would not obscure any significant public views of the locally listed buildings on Waldegrave Road. Given that the proposal is over 40m away from No. 18 Waldegrave Road there is more than adequate separation.

Assessment

Procedural matters

An Applicant is not obliged to inform or discuss a proposal locally or provide a reason for a development unless in a case of very special circumstances in the Green Belt.

Principle

The site lies within an urban area and built up residential 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.

As mentioned above the dwelling has already been extended. However the currently proposed additions would remain subservient to the size and scale of the existing dwelling and they would not result in an overdevelopment of the plot. The proposal would not consist of a two storey or first floor extension and although the single storey element would be constructed close to the plot boundary with No. 36 it would not enclose the upper floor space around the existing building; it would retain sufficient space around the building and would not have a cramped appearance or detract from the spatial standards of the area. The proposed design and external materials would complement those of the existing dwelling. Indeed the proposed front door and entrance porch would assist in returning some symmetry to the building following the earlier addition of the two storey side extension in the early 2000s. The dwellings in the area have a fairly individual design. The proposed additions would complement the character, appearance and external design and materials of the existing dwelling, and as such would not detract significantly from those around it.

The proposed walls and gates would be relatively substantial however they would be in scale with and would complement the architectural style of the existing and proposed dwelling. There is a variety of front boundary treatments in the local area including hedges, high fences and low walls and similar walls with inserted railings and gates at Nos. 29 and 31 Highfield Road (almost opposite the site), both allowed by the Appeal Inspector who noted the variety of boundary styles in the area, and the improved sense of enclosure that the proposed walls and gates would provide and how they would not appear out of keeping within the area. On this basis and in context to the neighbouring properties this element of the proposal would not detract from the dwelling or the local area.

The proposal would not appear to directly impact trees or landscaping within the site or in the wider locality. Given the scale of the development it is not considered to have an adverse effect on the wider locality and street scene it would not be necessary in this instance to require additional new planting specifically to enhance this particular development.

For these reasons; having regard to the form, scale, siting and proposed materials it is considered that the proposed extension and outbuilding would complement the host property and would not appear out of character with surrounding development or the area generally.

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.

It is noted that most new developments may be visible from neighbouring properties and may have an effect on their outlook (there is no mechanism in the planning system to protect 'views' per se), however it is the extent of this effect on outlook or the degree of harm arising that is the key issue concerning the acceptability of the development. It is noted that the application site and the land around it is relatively level and as such the application dwelling does not occupy an especially raised up position above another and does not have an especially dominant impact on the street scene or the local skyline.

As mentioned above the proposed extensions, particularly the upper floor elements would be well removed from the site boundaries and the neighbouring dwellings and therefore they would not have a significantly more harmful impact on the amenities of the neighbouring properties by reason of overshadowing or overbearing effect. The main outlook of the extensions would continue to be to the front and rear of the building. There would be some additional overlooking arising from the dormer window; particularly from the proposed bedrooms as compared with the proposed shower room, however given the distance of separation from neighbouring properties, particularly those in Waldegrave Road and the oblique field of vision in that direction, there would be limited harm by reason of any additional overlooking over and above that which may already exist from the existing first floor rear facing windows. Indeed it is possible that some form of dormer window(s) could potentially be constructed or vertical roof light window(s) could potentially be installed in to the existing roof formation through permitted development rights, both with clear glazing, and this would have a similar effect. However as this proposal requires planning permission it is possible and may be prudent in this case to require the upper floor shower room window to be obscure glazed and with restricted opening to limit the potential degree of additional overlooking in the interest of the mutual privacy of neighbours and the future occupiers therein. Notwithstanding this, the insertion of any side flank upper floor windows could have a greater degree of overlooking harmful to neighbouring properties and their future insertion could also be managed by way of planning condition in the event that planning permission is granted.

Other matters

According to the submitted plans the proposal would not technically or directly increase the size of the household in the dwelling through increasing the number of occupants, as it would only increase the size of the existing rooms and add some additional facilities rather than create additional/new bedrooms. Furthermore the proposal would retain the existing garage and there would remain a substantial forecourt capable of accommodating numerous vehicles, as observed during the site visit. As such the proposal would not appear to result in additional on-street parking or other effect harmful to highway safety or inconvenience to other highway users.

As mentioned above the building itself is not nationally or locally listed and the site does not lie within a Conservation Area or Area of Special Residential Character. Notwithstanding third party comments, according to the Council's Conservation Officer the proposal would not obscure any significant public views of the locally listed buildings on Waldegrave Road and the proposal would be positioned a considerable distance of over 40m from the nearest neighbouring local listed building at No. 18 Waldegrave Road which

would provide more than adequate separation so as to preserve its special historical or architectural interest and setting.

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 BE GRANTED

Subject to the recommended 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 of the 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 the interests of visual and residential amenity and in order to comply with Policy BE1 of the Unitary Development Plan.
- 3** **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 unless otherwise agreed in writing by the Local Planning Authority.**
REASON: In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy BE1 of the Unitary Development Plan.
- 4** **Before the development hereby permitted is first occupied, the proposed upper floor shower room window(s) serving the rear dormer window shall be obscure glazed to a minimum of privacy level 3 and non-opening unless the part(s) 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 permanently retained as such thereafter.**
REASON: In the interest of the amenities of the adjacent properties and in order to comply with Policies H8 and BE1 of the Unitary Development Plan.
- 5** **No windows or doors shall at any time be inserted in the upper floor north and south facing elevations and roof slopes of the extension(s) hereby**

permitted without the prior approval in writing of the Local Planning Authority.

REASON: In the interest of the amenities of the adjacent properties and in order to comply with Policies H8 and BE1 of the Unitary Development Plan.