

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

Application No : 18/03491/FULL6

Ward:
**Bromley Common And
Keston**

Address : Kenwood 7 Beechwood Drive Keston
BR2 6HN

OS Grid Ref: E: 541957 N: 164773

Applicant : Mr Francis Lobo

Objections : YES

Description of Development:

Erection of a double storey rear extension and garden house

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

Planning permission is sought for erection of two storey rear extension and single storey outbuilding. The proposal has been amended since its initial submission; altering the internal layout of the front bedroom so that both side dormer windows would serve bathrooms, removal of a west side flank roof light window and insertion of an east side flank roof light window, and the proposal is assessed on this basis only.

Location and Key Constraints

The application site is 'Kenwood', 7 Beechwood Drive, Keston, a post-war detached two storey chalet style dwelling with roof accommodation supplemented by dormer windows. The dwelling is positioned on the southern side of the highway in the centre of the main branch of Beechwood Drive. There is an existing gable ended projecting element in the centre of the front elevation and at the eastern edge of the rear elevation, and there is an existing two storey element to the western side of the building which rises in height above the level of the main ridgeline. The land slopes gradually down from south to north and the boundaries are marked by a mixture of close boarded fencing, chain link fencing, trees and other vegetation. The area is residential in nature and is characterised mainly by large detached dwellings located in spacious plots, generally of a regular size, shape, layout and orientation. The site does not lie within a Conservation Area or an Area of Special Residential Character.

Planning History

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

94/01088/FUL - Erection of two storey side extension to the eastern elevation was approved on 16 June 1994 and this has been implemented.

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

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

- There are no other garden buildings in Kenwood Drive or Brockdene Drive,
- The proposed garden room is too large,
- A boiler in the garden room is unnecessary,
- Given the size, form of construction and services the proposal would resemble a new dwelling,
- It would be inappropriate to construct new dwellings in residential rear gardens,
- The garden building would be similar to a development in Hassock Wood which is unacceptable,
- The size and roof on the garden room would be intrusive to neighbouring properties; 1 Brockdene Drive,
- The proximity of the garden building to the neighbouring property would damage tree roots,
- The construction of the garden building would place future pressure to fell the neighbouring trees,
- The garden room would block light to neighbouring gardens; 1 Brockdene Drive,
- The existing dwelling has already been extended,
- The proposed extension would exceed the height of the existing dwelling; which would be out of keeping and intrusive to neighbouring properties, and it would create an uncharacteristic third storey,
- The proposed side flank dormer window would diminish the space around the property; detracting from the appearance of the area,
- The upper floor side flank windows would look in to neighbouring properties and their gardens including No. 9 Beechwood Drive. This would apply to all openable windows. Obscure glazed windows could be refitted with clear glazing,
- The insertion of windows in the future would overlook the neighbouring property No. 5 Beechwood Drive,
- The rearward depth and height of the extension would be overbearing to the neighbouring properties,
- The rearward depth and height of the extension would overshadow neighbouring properties,
- The proposal would set a precedent

Comments from Consultees

Trees: The application site abuts the TPO No. 36 at the neighbouring property No. 1 Brockdene. The proposed outbuilding has the potential to impact on the protected trees and their roots however the detailed foundation design and the general impact on the trees could be addressed through submission of a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS). There is no objection subject to the following recommended tree protection condition/informative.

Considerations

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

- o Principle
- o Design and landscaping
- o Neighbouring amenity
- o Highways
- o 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.

Design and landscaping

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 two storey element at the eastern end of the building was constructed under the 1994 permission and therefore the main two storey part of the dwelling with the higher 8.7m high roof line is the original part of the dwelling. The proposed extension would continue this element of the existing dwelling by projecting rearward by approximately 6m and at the same maximum ridge height of approximately 8.7m. The proposed extension would be substantial however it would remain subservient in size to the existing building footprint and its height and overall mass. Furthermore it would be glimpsed from the public realm in Beechwood Drive along the side of the property and would not be dominant within the street scene in this respect. It would not project any further to the side than the existing western side flank wall and consequently would remain approximately 2.4m from the western side boundary thereby maintaining the existing side space and the high spatial standards of this part of Beechwood Drive and the wider locality. The proposed design would be in keeping with the design of this existing part of the building, as would be proposed external materials which could be managed by planning condition in any event as necessary.

The proposed outbuilding would also be substantial in footprint however it would be single storey in height and it would similarly remain subservient in size to the existing and/or the enlarged dwelling. It would be positioned close to the south and western boundaries however it would not be visually prominent either from within the street scene in Beechwood. It would not be visible from other public vantage points however nonetheless it would not appear unduly prominent or out of keeping from other neighbouring properties. The outbuilding would be an ancillary feature to the dwelling. It is not shown to include any habitable accommodation and indeed this may be resisted. Notwithstanding this it is possible that further outbuilding(s) could potentially be constructed under Class E of the

GPDO which may result in an overdevelopment of the site and as such it would be prudent in this instance to restrict the opportunity to do so and this could be managed by planning condition.

The proposed works would not have a directly harmful impact on trees and vegetation within the application site itself; furthermore as they would not have a significant impact on the street scene or public realm it would not be necessary in this instance to require additional planting, although this would not be discouraged. The proposal, particularly the outbuilding may have an impact on trees and vegetation in neighbouring properties, some of which to the immediate south in Brockdene Drive are protected by a Tree Preservation Order. The Council would not encourage the pruning of any overhanging tree roots or branches however common law rights to do so do exist; except in the case of protected trees. As such, given the close proximity of the proposed outbuilding to the trees in this case, a less intrusive foundation method such as a piled and raft foundation rather than a traditional strip foundation should be used in order to minimise the impact on tree roots. The Council's Tree Officer recommends that an appropriate Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS) could be submitted by planning condition. Given that the outbuilding would not include habitable accommodation its use would be unlikely to lead to future pressure to prune or fell the trees by reason of excessive shading or perceived fear of branches or trees falling which may reduce the public amenity value of the trees.

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.

Standard of accommodation and 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 size and scale of the proposed rear extension; in particular its height and rearward projection is noted. However, as mentioned above, the proposal would be separated from the western boundary by approximately 2.5m. It would be separated from the closest part of the neighbouring property No. 9, which comprises its detached double garage, by approximately 4m and it would be separated from the neighbouring dwelling itself by over 10m. On this basis the proposed extension would be well removed from the habitable part(s) of the closest neighbouring dwelling No. 9 and in connection with its scale, height, bulk and the steeply raked roof pitch it would not have an overbearing effect on its outlook. Furthermore, given this separation and the orientation and layout of the site the proposal would not result in significantly more harmful additional overshadowing. The main outlook from the proposed extension would continue to be to the rear (south) where any additional overlooking would not be significantly more harmful over and above that which may already occur. It is proposed to insert two upper floor west facing dormer windows; one in the existing side flank roof slope and one in the west facing side flank of the proposed rear extension.

According to the revised drawing numbered 03-10-18_02PE Rev C the proposal would accommodate two dormer windows in the west flank elevation both serving new en-suite bathrooms and therefore the main outlook of the upper floor rooms would continue to be to the front and rear (north and south). There would also be an east and a west flank upper floor roof light window. According to site visit observations there are no upper floor east facing windows in the directly opposite flank elevation at No. 9. The proposed west facing

dormer windows and roof light window to the upper floor bedrooms would be positioned directly alongside No. 9 and given that they would serve the en-suite bathrooms they could be fitted with obscure glazing and restricted opening in order to preserve neighbouring privacy amenities. The east facing roof light window would serve a habitable bedroom however it would be a secondary window to the existing rear facing window and as such it could also be fitted with obscure glazing and restricted opening in order to preserve neighbouring privacy amenities without detracting from the living conditions of the occupiers therein.

The proposed garden room would be visible from neighbouring properties and it is acknowledged that it would have an effect on the amenities of neighbouring occupiers, however the key issue is the degree of the effect and whether the effect would be significantly harmful. Furthermore, in this regard the effect on outlook is a relevant planning matter however it is not possible to protect views. The proposed garden room would be separated from the closest neighbouring building by approximately 25m and the degree of separation coupled with the height of the proposed building and the presence of trees and vegetation; which would soften its appearance but should not be relied upon to justify its acceptability, it would not have a significantly harmful impact on outlook by reason of overbearing effect. Furthermore, due to its position, height and the orientation of the corresponding plots and trajectory of the sun-path it would not have a significantly adverse additional impact on overshadowing to neighbouring properties or their gardens.

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. Subject to the imposition conditions regarding the insertion of additional windows and the use of obscure glazing to the proposed side flank en-suite bathroom window 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.

According to the submitted plans the proposal would add approximately two additional bedrooms thereby potentially increasing the size of the household and the number of occupants in the dwelling and therefore potentially the number of vehicles serving it. Nonetheless, there is an existing double garage and space on the forecourt for parking domestic vehicles, which would be retained, in accordance with the Council's parking standard and 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.

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 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 building shall be as set out in the planning application forms and/or drawings 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** No windows or doors shall at any time be inserted in the upper floor east and west facing elevations and roof slopes of the extension hereby permitted, apart from those granted as part of this permission, 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.
- 5** The roof light and dormer windows in the upper floor east and west facing roof slopes hereby permitted shall be obscure glazed 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, 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.

- 6** The single storey detached building hereby permitted shall only be used for purposes incidental to the residential use of the main house and for no other purpose.
REASON: In the interests of the residential amenities of the area and in order to comply with Policies BE1 of the Unitary Development Plan.
- 7** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.
REASON: To prevent the overdevelopment of the site and in order to comply with Policies H7 and BE1 of the Unitary Development Plan.
- 8** Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.
Specific issues to be dealt with in the TPP and AMS:
- a) location and installation of services/ utilities/ drainage.
 - b) methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
 - c) details of construction within the RPA or that may impact on the retained trees.
 - d) a full specification for the installation of boundary treatment works.
 - e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.
 - f) detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.
 - g) a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.
 - h) a specification for scaffolding and ground protection within tree protection zones.
 - i) tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.
 - j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.
 - k) boundary treatments within the RPA
 - l) methodology and detailed assessment of root pruning
 - m) arboricultural supervision and inspection by a suitably qualified tree specialist
 - n) reporting of inspection and supervision
 - o) methods to improve the rooting environment for retained and proposed trees and landscaping
 - p) veteran and ancient tree protection and management

The development thereafter shall be implemented in strict accordance with the approved details.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality. Required to ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan. and pursuant to section 197 of the Town and Country Planning Act 1990.

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
- 2 The following British Standards should be referred to:
 - a) BS: 3998:2010 Tree work - Recommendations
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations