

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

Application No : 18/02611/FULL6

Ward:
Cray Valley East

Address : 35 Hood Avenue Orpington BR5 2EE

Objections: YES

OS Grid Ref: E: 546737 N: 167751

Applicant : Mr Oladayo Omowale

Description of Development:

Part one/two storey and first floor side/rear extension - amendments to previous planning permission (granted under ref. 14/00594/FULL6) to retain ground floor side extension and to provide a raised patio and steps to rear with privacy screening

PART RETROSPECTIVE APPLICATION

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 23

Proposal

The application is part retrospective and planning permission is sought for a part one/two storey side/rear extension. The proposed extension would project between 1.1m and 2.5m to side at ground floor level. The extension to the rear would project a maximum 3m at ground and first floor levels and would have a flat roof at single storey level with a height of 3m from the patio level, and a pitched roof over the two storey section with a ridge height of 6.9m from the patio level (7.5m from ground level). A 2.9m separation would be retained at first floor level to the flank boundary at No.37. Two flank windows are proposed to serve bathrooms.

A raised patio to the rear is also proposed which would project by 1m from the rear elevation, with a maximum height of 0.7m from ground level and would incorporate privacy screening with a height of 1.7m from the patio level.

The proposal seeks to amend a previous permission under ref. 14/00594 to provide a single storey side extension which extends up to the boundary which would provide habitable accommodation and a raised patio to the rear.

Location and Key Constraints

The site hosts a two storey semi-detached dwelling which is situated on the eastern side of Hood Avenue. The topography of the site is on an incline and

slopes downwards gradually from the road level towards the rear of the site. The site is not situated within a Conservation Area nor is it a Listed Building.

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

- Design and height of building now overlooks more into their garden
- Impact on outlook and privacy
- Oppose any further rear extension
- Misleading and vague information as to the height width, materials, finished construction for a 'patio'
- Patio is semi built consisting of large RSJ type steel joists
- Privacy screens would not be needed and would enjoy same degree of privacy if steps down to his garden/ground level
- Proposed patio would be more akin to a viewing platform
- Will be around 4ft to 5ft above the original ground level with extensive views left and right
- Will lose privacy to enjoy relaxing in the garden
- Loss of enjoyment of amenities due to size, height and visual impact of the unknown materials to be used
- 1m side extension already built with no planning approval.
- Inaccuracies in the application forms
- Patio appears to be more like 2.2m wide with heavy steelwork
- None of this steelwork is indicated on any of the drawings that have been submitted
- Rubbish and rubble has been amassed to form new ground level as showed on proposed drawings
- Concerns regarding craftsmanship of new render to match existing
- Drawings lack details such as red line boundaries, detailed notes of materials, actual ground levels, key dimensions, notes position of north
- no sections of any type which would help with the mass of the building and height of patio etc
- no drainage is indicated
- Platform/decking is more than 30cm above ground level as adjacent boundary fence is over 90cm high and is dwarfed by the patio
- only one rainwater outlet from the gutter with no down pipe attached and concerned that this is not enough and causing local flooding and a crack which needs to be repaired
- appears to be no gulley or soakaway
- no new manholes
- waste pipe to garage is not sealed and have seen a large increase in rats which is a health and safety issue
- proposed patio is still shown at current height, should have steps down to garden like other properties
- scaffolding has been removed as unsafe and they have attempted to do their own scaffolding which is a health and safety issue

- can see the amount of rubbish and rubble amassed to form new ground level as shown on the proposed drawings
- concerns regarding craftsmanship

Comments from Consultees

No consultee comments were received.

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.

London Plan Policies

7.4 Local character

7.6 Architecture

Unitary Development Plan

H8 Residential extensions
H9 Side space
T18 Road safety
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
32 Road Safety
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

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

<u>Application Number</u>	<u>Description</u>	<u>Decision</u>
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14/00594	- Part one/two storey side/rear extension	- Granted
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This permission has been implemented however amendments have been made during its construction which the current application seeks to regularise.

17/01721/FULL6	- Part one/two storey side/rear extension (Amendment to planning ref: 14/00594/FULL6)	- Refused
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The application was refused on the following grounds:

'1 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two-storey development for its full height and flank, and by reason of its siting in close proximity to the side boundary for two storeys, width and bulk, would constitute a cramped overdevelopment of the site, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies BE1, H8 and H9 of the Unitary Development Plan.

2 The proposal, as a result of its depth of rear projection, height and siting in close proximity to the side boundary, would result in a harmful visual impact and loss of amenity to No. 37 Hood Avenue and a loss of outlook and prospect, contrary to Policies BE1 and H8 of the Unitary Development Plan.'

The application was subsequently dismissed on appeal and the Inspector stated in their decision made the following conclusions which are relevant to this proposal:

- With regards to the first refusal ground, the Inspector found that the proposed side space and retention of the ground floor side extension in place of the original garage up to the boundary would be acceptable and stated as follows:

"..there are many examples of other extensions, both single and two-storey, along Hood Avenue, and several of these have been built up to the side boundary. Most of these are set back from the front elevation of the houses, similar to the appeal proposal, which avoids a terracing effect."

"Consequently, the extension would not lead to a terracing effect. Given the variable character of the street scene, and proliferation of other extensions in the area, I do not consider that the completed development would be harmful to the character and appearance of the area."

- With regards to the second refusal ground, the Inspector supported this refusal ground and stated as follows:

"Due to its size and siting, the completed extension would dominate views from the neighbour's window and it would adversely affect the outlook from the room. I appreciate that the Council found the originally proposed 3 metre extension to be acceptable. Nonetheless, I consider that the increase in size to 4 metres is material and, consequently, the development would have an adverse effect on the neighbour's living conditions and enjoyment of their property."

"I have considered the relationship of the appeal property to the neighbour's house in respect of the sun's trajectory, and I agree that the effect on levels of sunlight would be limited."

Considerations

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

- Resubmission
- Design
- Highways
- Neighbouring amenity
- CIL

Resubmission

The application is a revised scheme following a refusal under ref. 17/01721/FULL6 Part one/two storey side/rear extension. The amendments which have been made are as follows:

- A reduction in depth of the single storey rear extension from 4m to 3m.
- Inclusion of a rear raised patio

The proposal effectively seeks to amend a previous permission under ref. 14/00594 (granted for a part one/two storey side/rear extension), to allow the retention of the side extension which is constructed in the footprint of the garage and is built up to the side boundary and would provide habitable accommodation.

In contrast to most recently refused application (re 17/01721) the proposal no longer includes an increase the depth of the single storey rear extension which would be 3m in accordance with the plans approved under ref. 14/00594. However, the proposal also now involves a rear raised patio with a depth of 1m, a height of 0.7m and steps to the rear.

The application is retrospective as the previous planning permission has been implemented however the works are not in a fully completed state.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy H8 and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions, respect the scale and form of the host dwelling and be compatible with surrounding development.

Policy H9 of the UDP requires that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

The main consideration under this application is the impact of the single storey side element on the character and spatial standards of the area and the visual amenity of the street scene and the impact the proposed rear patio would have on neighbouring residential amenity.

The single storey side element which is built nearly up to the flank boundary was considered under the previously refused application (ref. 17/01721) which was dismissed on appeal. However, the Inspector concluded that the side extension as constructed would not result in a terracing effect or a harmful impact on the character of the area and the Inspector stated as follows:

"Although the ground floor of the development extends up to the side boundary, it replaces an original garage. I saw from my site visit that No 37 has a similar side garage. Moreover, there are many examples of other extensions, both single and two-storey, along Hood Avenue, and several of these have been built up to the side boundary. Most of these are set back from the front elevation of the houses, similar to the appeal proposal, which avoids a terracing effect."

"...the first floor retains the required separation and the extension is set back from the front elevation. Consequently, the extension would not lead to a terracing effect. Given the variable character of the street scene, and proliferation of other extensions in the area, I do not consider that the completed development would be harmful to the character and appearance of the area."

Having regard to the Inspector comments, and given that this aspect of the proposal is the same as in this previous application, it is considered that the retention of the garage and its conversion to habitable accommodation would not result in a detrimental impact on the spatial standards of the area or have a harmful impact on the character of the area in general.

Having regard to the form, scale, siting and proposed materials, it is considered that the proposed extensions would complement the host property and would not impact detrimentally on the spatial standards of the area or appear out of character with surrounding development or the area generally.

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.

No objections were raised in the previous application to the loss of the garage (ref. 14/00594) or its conversion to habitable accommodation (ref. 17/01721) and no objections were raised from a technical Highways point of view to the permitted scheme in 2014. Therefore, it is not considered that the proposal would result in a harmful impact on road safety or the free flow of traffic in the area.

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, orientation, privacy screening 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.

Subject to the imposition of conditions regarding the use and retention of obscure glazing to the north flank windows it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

In contrast to most recently refused application (re 17/01721), the proposal would have a maximum rearward projection of 3m. The two storey element would have a 2.9m separation at first floor level to the boundary with No.37. As such, the proposal would now have a similar scale and form as the extension already permitted under ref. 14/00594 and, given the separation and that the orientation of the adjacent semi-detached dwelling is to the south of the application site, it is not considered that there will be any significant impact in terms of loss of light or outlook.

With regards to the rear patio, it would have a depth of 1m and the proposed elevations indicate that the patio will have a maximum height of 0.7m. The flank boundaries will consist of a 1.7m high privacy screening for the full depth of the patio and which would be set back from the side boundary with No. 37 by 0.6m and 1m from the north flank boundary which would prevent a harmful visual impact

arising. Furthermore, before construction of the extension, the property already benefitted from a raised patio of a similar height and proximity to the side boundaries. It is therefore considered that, given the modest depth, height and the proposed screening, the raised patio will not result in a significant loss of privacy to either neighbouring property.

Concerns have been raised by local residents regarding a steel structure which projects beyond the rear of the extension which was noted during the site visit. The agent has confirmed that the steel beams do not form part of the proposal and will be removed.

CIL

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

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 or the spatial standards of the local 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
as amended by documents received on 15.11.2018

Subject to the following conditions:

- 1 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.

- 2 Before the development hereby permitted is first occupied the proposed window(s) in the north flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts 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 the window (s) shall subsequently be permanently retained in accordance as such.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 3** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first floor flank elevation(s) of the extension 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.

- 4** 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.

You are further informed that :

- 1** The projecting steel beams at the rear of the single storey rear extension do not form part of this application and may be liable for enforcement action if not removed from the site.