

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

Application No : 18/03950/FULL6

Ward:
Petts Wood And Knoll

Address : 27 Birchwood Road Petts Wood
Orpington BR5 1NX

Objections: Yes

OS Grid Ref: E: 545078 N: 168131

Applicant : Mrs Lucie Moseley

Description of Development:

Single storey detached building in rear garden. Temporary use as habitable accommodation during building works to main dwelling, then for ancillary use to main dwelling RETROSPECTIVE

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 detached outbuilding to the rear of the back garden, which is currently being used as habitable accommodation (to sleep in overnight) whilst the building/development works are being carried out to the host dwelling at the site (as approved under reference 18/03574/FULL6). Once the building works to the main dwelling have been completed, use of the detached building will then revert to ancillary use linked with the host dwelling.

The building is in use as habitable accommodation at present, so the application seeks retrospective permission for this use. Within the structure there is no kitchen or bathroom, but the occupiers do sleep within the building at night time.

The plans associated with the application state that the structure itself measures 7m in width, 4m in depth, 2.2m to the eaves and 2.47m to the ridge of the dual pitched roof. It has also been stated that the cabin is sitting on a structural timber base which increases the height by 150mm from the natural highest ground level surrounding the cabin, which results in the highest point of the structure measuring 2.62m.

Measurements were taken of the structure which confirms these to be the maximum dimensions. The measurements taken also confirm that the flank elevations of the building are sited approx. 5m away for the property boundaries to

either side, and the rear elevation is sited approx. 1.1m away from the rear elevation at the closest point (the roof overhang).

Location and Key Constraints

The application site is located on the southern side of Birchwood Road within the Petts Wood Area of Special Residential Character and hosts a detached dwellinghouse with attached garage.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Using the building as living accommodation results in loss of privacy to rooms at rear of properties along Birchwood Road;
- Even if building reverts to a summerhouse, this will have the potential for everyday use and full occupation/continued invasion of privacy to neighbours;
- Photographs sent separately;
- Concerns re building being used as temporary accommodation on grounds of safety, noise and waste issues;
- Object to satellite dish on rear of building but in full view of dwelling to the rear.

Comments from Consultees

No consultations were considered necessary.

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

H10 Areas of Special Residential Character

T3 Parking

T18 Road safety

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

7 Accommodation for Family Members

30 Parking

37 General Design of Development

44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

Planning permission was previously granted under reference 17/03951 for single storey side/rear extension, first floor side/rear extension, single storey front porch

extension, loft conversion to include rear dormer extension and rooflight windows to side roofslopes and elevation alterations.

A further application was then approved under ref: 18/03574/FULL6 which sought to make minor alteration to the approved scheme, in order to remove a single storey rear element of the rear extension and increase the width of the host dwelling along the western flank elevation.

Considerations

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

- Design
- Highways
- Neighbouring amenity
- CIL

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 materials used for the single storey detached structure in the rear garden of No.27 Birchwood Road, it is considered that it complements the host property and would not appear out of character with surrounding development or the area generally.

The use of the structure is currently for sleeping in overnight whilst the previously approved extension works/development is being carried out on the host dwelling; however this use as habitable accommodation is temporary, and once the works have been completed on the main dwelling, the use of the detached outbuilding will revert to ancillary use linked to the main dwelling, for a summerhouse/gym/music room, and will not be used for habitable accommodation. The overall design and appearance of the structure is considered to support this proposed ancillary use (once the works to the main property have been completed).

The structure is set back some considerable distance from the host dwelling (23m) and is not visible from the front of the property. Due to the separation to the host dwelling, it is considered that the structure does complement the host dwelling and the design and positioning of the structure fully to the rear of the host property is also considered suitable to ensure that there will be no detrimental impact upon the streetscene or the Area of Special Residential Character that the property is located within.

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.

The single storey detached outbuilding to the rear of the application site has no impact upon the car parking layout or requirement for additional spaces within the curtilage of the site. As such, it is not considered to have a detrimental impact upon the parking or highway safety of 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. This is supported by London Plan Policy 7.6.

Concerns have been raised by interested parties with regard to noise, safety, waste issues and loss of privacy to windows in rear elevation of neighbouring property.

There is a significant degree of separation between the detached outbuilding and the host dwelling, and even more between the outbuilding and neighbouring dwellings, which helps to minimise levels of direct overlooking into neighbouring properties despite the glazed front elevation of the outbuilding.

Having regard to the scale, siting, separation distance, orientation, 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 does arise. The overall scale of the detached outbuilding is considered to be in-keeping with many similar forms of development found across the Borough.

In terms of the outbuilding being used as living accommodation, it has been confirmed that this is a temporary use whilst building works are being completed on

the main house, and the structure will revert to ancillary use once completed. At present the outbuilding is being used for sleeping accommodation and there are no kitchen or bathroom facilities. On balance, it is considered that there would be no significant impact on neighbouring amenity given the temporary nature of the proposal.

It is considered that the outbuilding in its current form, current temporary use and proposed permanent use thereafter, is acceptable and does not result in inappropriate development within the curtilage of a single family dwellinghouse, and would not impact significantly on the amenities of neighbouring residents in compliance with the above policies.

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 single storey detached outbuilding is acceptable. The structure does not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area of special character that the property is located 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: PERMISSION

Subject to the following conditions:

- 1 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.

- 2 The additional accommodation shall be used only by members of the household occupying the dwelling 27 Birchwood Road, BR5 1NX and shall not be severed to form a separate self-contained unit.**

Reason: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

- 3 The outbuilding hereby permitted shall only be used for living accommodation for up to a year following the date of this decision notice;**

after this date, use of the structure as living accommodation shall be discontinued and the structure shall be used purely as ancillary (with no living accommodation) in relation to the host dwelling.

REASON: In order that the situation can be reconsidered in the light of the circumstances at that time in the interest of the amenities of the neighbouring dwellings and the character of the area.