

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

**Application No :** 18/04727/FULL6

**Ward:**  
**Shortlands**

**Address :** 41 Hayes Way Beckenham BR3 6RJ

**OS Grid Ref:** E: 538471 N: 168504

**Applicant :** Mr James Cullen

**Objections :** YES

**Description of Development:**

The erection of a part single/double storey rear extension, along with internal layout amendments

**Key designations:**

Conservation Area: Park Langley  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 21  
Smoke Control SCA 9

**Proposal**

The proposal includes a part one/ two storey rear extension. The proposed part one/ two-storey rear extension would measure 3.5m in depth and would span the full width of the dwelling. The proposed single-storey rear extension would be located to the east side of the property and would incorporate a lean-to mono-pitched roof with a maximum height of 3.7m and an eaves height of 2.9m. The two storey extension would have a dual-pitched roof with a maximum height of 7.4m.

**Location and Key Constraints**

The application relates to a two-storey detached residential dwelling, which is located on the north side of Hayes Way. It benefits from off-street parking and a large rear garden. The surrounding area is residential in character and the property is located within the Park Langley Conservation Area.

**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

- Rearward projection too deep;
- The design is not sympathetic to the host dwelling and the neighbouring properties ;

- Tunnelling effect;
- Impact on loss of light and overbearing to the neighbouring property;
- Large in scale and disproportionate to neighbouring properties;
- Over dominant and not in keeping within the "garden suburb" conservation area;
- Small alleyway-like side space would increase the chance of burglaries;
- Proposed first floor frosted windows would overlook the neighbouring properties.

#### Park Langley Residents Association (PLRA)

- The current proposal is very similar to the previous refused application;
- The size and depth of the extension would result in a detrimental visual impact, loss of prospect and loss of light to No. 43 Hayes Way.

#### **Comments from Consultees**

Conservation Officer: "Given the rearward projection on the neighbouring properties, and the fact that the extension is to the rear, I do not feel any harm would arise to the conservation area."

#### **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 in 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 falls to be determined in accordance with the following policies:

#### London Plan Policies

7.4 Local character  
7.6 Architecture  
7.8 Heritage assets and archaeology

#### Unitary Development Plan

H8 Residential extensions  
BE1 Design of new development  
BE11 Conservation areas

#### Draft Local Plan

6 Residential Extensions  
37 General Design of Development  
41 Conservation Areas

#### Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance  
Supplementary Planning Guidance for Park Langley Conservation Area

### **Planning History**

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

84/00436/FUL - First floor side extension and conversion of garage to study detached house - 05.04.1984 (Permitted)

03/03837/TREE - Intention to crown reduce by 30% field maple in front garden and crown reduce by 30% 1 plum in back garden TREES IN CONSERVATION AREA - 04.12.2003 (No objection)

11/02763/FULL6 - Part one/two storey rear extension - 23.11.2011 (Refused)

The reason for refusal of the above planning application was:

"The proposal would be over dominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact and loss of prospect in view of its size and depth of rearward projection thereby contrary to Policy BE1 of the Unitary Development Plan."

## **Considerations**

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

- Resubmission
- Design
- Heritage Impact
- Neighbouring amenity
- CIL

### Resubmission

The current proposal is similar to the previous scheme that was refused (planning ref: 11/02763/FULL6) for a part one/ two storey rear extension. Compared to the previous scheme, the current proposal has now reduced the depth of the rear extension from 4.5m to 3.5m. The single storey rear extension would now have a lean-to mono pitched roof with a rooflight.

### 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.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy BE1 of the UDP states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy H8 of the UDP and Draft Policy 6 of the Draft Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

It is considered that the main bulk and form of the proposal would be located to the rear of the host dwelling and it would not be visible from the public highway. The proposed materials would match the existing and it is considered the proposal would be in keeping with the host dwelling.

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

### Heritage Assets

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

In the Supplementary Planning Guidance for Park Langley, it states that "the section of the Park Langley Estate that was developed prior to the outbreak of the First World War (1914-18) has a cohesive Garden City character that it will be important to preserve and enhance. Many of the individual houses make a positive contribution to the character and appearance of the conservation area. Harmonious diversity of design was a stated aim of the developers. As a result, there are very many different types and styles of houses in the estate."

With regards to the character of the Park Langley Conservation Area, developments should respect the "landscape and spatial characteristics of the area and ensure that the green and spacious aspect of the estate is not eroded." In addition, "proposals that would bring about a reduction in the spatial standards of

the area, most particularly an erosion of existing side space between dwellings, will normally be resisted."

The proposed design and appearance is acceptable and does not have any significant harm to the conservation area. In terms of spatial standards the proposed extension is to the rear and does not result in any terracing to adjoining properties. It has no significant harm in terms of spatial standards and distances towards boundaries than the existing property. It is considered that the proposed development would preserve the character and appearance of the Park Langley Conservation 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.

The two storey development would have a rearward projection of 3.5m. The element to the west boundary is single storey and would be set off from the shared boundary by some 1m. To the east, the single storey extension would have a minimum distance of 1.4m from the shared boundary. No. 43, the neighbouring property, has had a part one/ two storey extension with the single storey element to the boundary adjacent to the application site. There is a bedroom sited above this single storey element with the rear window being the sole window to that room.

The objections from the neighbours and the PLRA were noted and the depth of the extension would have some impact on the visual amenities of No. 43. However, the form and bulk of the proposal would be mitigated by the generous size and width of the gardens. It is considered that the proposal would not create any sense of enclosure and it would not result in a significantly dominant or overbearing form of development.

With regards to the potential loss of daylight and sunlight from No. 43, there may be some overshadowing during the afternoon hours. In the applicant's Daylight and Sunlight Report, it demonstrates that the diffuse daylighting of the neighbouring property, in particular the first floor bedroom window, would not be adversely affected. The 45 degree splay from the neighbour's first floor bedroom window would not be breached by the proposal. It is considered, on balance, the form of the proposal is not adverse enough to warrant a refusal.

In relation to the privacy issues, the scheme would include a number of windows within the flank elevations at first floor level. The applicant has proposed to obscure the proposed windows within the side facing elevations, which would prevent any unacceptable loss of privacy beyond the current arrangement.

It is noted that the proposed two-storey rear extension would be set back 1.4m from the shared boundary with No. 43. Members should be aware that Policy H9

(Side Space) of the UDP is not applicable to this scheme as the proposal does not involve in any side extensions.

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

### 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 Park Langley Conservation 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.

**as amended by documents received on 22.11.2018**

**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, Town and Country Planning Act 1990.**

- 2. 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.**

- 3. 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 Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

4. Before the development hereby permitted is first occupied the proposed windows in the first floor flank elevations 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 windows 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**