

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

**Application No :** 18/04312/FULL6

**Ward:**  
**Shortlands**

**Address :** 4 Den Road Shortlands Bromley BR2  
0NH

**OS Grid Ref:** E: 538860 N: 168618

**Applicant :** Mr Toks Taylor

**Objections : YES**

**Description of Development:**

First storey side extension, conversion of garage and a new porch canopy

Key designations:

Conservation Area: Shortlands

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Open Space Deficiency

Smoke Control SCA 21

Smoke Control SCA 9

**Proposal**

The application seeks planning permission for the conversion of the garage to a habitable space and for a first floor side extension. The proposed first floor side extension would measure 3.1m in width, 2.8m in depth with a total height of 6.5m, including a pitch roof. The garage conversion would include the replacement of the garage door with a window on the front elevation. The roof of the garage and the lobby area would be pitched with a height of 3.8m with an eaves height of 2.7m. There would be a new pitched-roof canopy in front of the porch, measuring 3.1m wide and 1m deep.

**Location and Key Constraints**

The application property is located at the western end of Den Road, near the junction with Shortlands Road. The site is triangular in shape and tapers considerably to the rear. The property is not listed and it lies in the Shortlands Conservation Area. The character of the area is residential in nature.

**Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and no representations were received.

## **Comments from Consultees**

Conservation Officer: "The property is right on the edge of the CA and given that this first floor extension would be well set in from the boundary, I do not see that any harmful impact would occur in conservation terms. If minded to recommend permission I suggest matching materials condition."

Highways: "The development will result in loss of one parking space by conversion of the garage to a habitable accommodation. However, there are spaces available within the site's curtilage which would be utilised for parking. Therefore on balance as it is a small development I raise no objection to this proposal."

## **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 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
- 7.8 Heritage assets and archaeology

Unitary Development Plan

- H8 Residential extensions
- H9 Side Space
- BE1 Design of new development
- T3 Parking
- BE11 Conservation areas

Draft Local Plan

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- Supplementary Planning Guidance for Shortlands Road

**Planning History**

00/02851/TREE - Remove one maple (rear garden) (TREE IN CONSERVATION AREA) - 16.10.2000 (No objections)

04/00370/FULL6 - Single storey side/rear extension - 24.03.2004 (Permitted)

06/00460/FULL1 First floor side extension - 15.03.2006 (Refused)

10/01249/FULL6 First floor side extension - 22.06.2010 (Refused) and its reason for refusal was:

"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 first floor/two storey development in the absence of which the first floor side extension would constitute a cramped overdevelopment of the site, out of character with the street scene and conducive to a retrograde lowering of the spatial standards to which the Shortlands Conservation Area is at present developed, thereby contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan and the Shortlands Conservation Area Supplementary Planning Guidance."

## Considerations

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

- Planning refusal (10/01246/FULL6)
- Design
- Heritage Impact
- Neighbouring amenity
- Highways
- CIL

### Planning refusal (10/01246/FULL6)

A similar proposal for the first floor side extension was refused in 2010. In the refused scheme, the first floor side extension was proposed above the garage and lobby area. It was proposed to be set back 0.85m from the front elevation and would have extended between 0.5m and 1.5m from the side boundary.

In the current proposal, the size of the first floor side extension would be smaller and it would be set back 1.3m from the front elevation and would extend between 1.5m and 2.6m from the shared boundary with No. 6.

### 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. Policy H9 states that the Council will normally require a minimum of 1m side space from the side boundary of the site to be retained in the case of a proposal two or more storeys in height.

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 first floor side extension, the garage conversion and the proposed front elevation alterations would be visible from the highway. However, the proposed pitched roof design of the garage and lobby area is considered sympathetic and it would enhance the appearance of the host dwelling.

In this proposal, the proposed first floor side extension is modest and would be set back 2.6m from shared boundary at the front and 1.5m at the rear; and the ground floor garage conversion would be located immediately adjacent to the shared boundary. Members should be aware that the bulk and form of the ground floor conversion is already existed. It is noted that usually within a Conservation area that the side spaces should be more generous to preserve and enhance the character of the conservation area. Given that the first floor side space is sufficient, the proposal would not result in a terracing effect and cause a cramped appearance within the wider streetscene. As such, it is considered that the proposal does not conflict with the reason for the side space policy and as such is compatible.

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 result in a detrimental impact upon the spatial standards and visual amenity of the area.

### 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.

The site falls within the Shortlands Road Conservation Area which is characterised by:

"Buildings in the area include a variety of architectural styles, but are a compatible blend of styles and materials. Building scale varies from large two and three storey freestanding to detached houses of similar era, and more modest dwellings from the early decades of the twentieth century. The use of typical materials contributes significantly to the character and appearance of the Area. Hung terra cotta club tiles is common on upper levels of walls, often found in conjunction with bold timber gables." (3.2-3.3, SPG)

The property is located on the edge of the Shortlands Road Conservation Area. The proposed pitched roof would enhance the appearance of the host dwelling. The first floor extension would be set back 1.3m from the front elevation of the host dwelling and 2.6m from the shared boundary. It is considered that the proposal would be well set in from the site boundary and it would enhance the character and appearance of the conservation area.

### 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 technical objections are raised from a highways perspective regarding the proposal in terms of its impact on road safety and on-street parking.

### 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.

With regards to No.6, the proposed first floor side extension would project closer to the shared boundary with a minimum 1.5m distance. It is noted that there is no first floor windows in the flank elevation of this neighbouring property. Taking into account the positioning of the proposed extension, the separation distance of the neighbouring property at first floor level and the orientation of the site, it is considered that, on balance, the neighbouring amenity impact of the extensions would not be adverse enough to warrant a reason for refusal.

The proposed conversion of the garage and the new canopy would not lead to an increase in noise level. The proposed window to the front elevation, because of its location and size, would not result in an increased chance of overlooking over and above that which already exists.

Having regard to the scale, siting and separation distance of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, privacy and prospect would not 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 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 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 UDP and in the interests of visual and residential amenity.**

- 4 No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the east flank elevation of the first floor side extension hereby permitted,**

**Reason: In the interest of the amenities of the adjacent properties and to comply with Policy BE1 of the UDP.**