

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

**Application No :** 18/03324/FULL6

**Ward:**  
Cray Valley West

**Address :** 78 Oakdene Road Orpington BR5 2AW **Objections:** Yes

**OS Grid Ref:** E: 546069 N: 167499

**Applicant :** Khalisur Rahman

**Description of Development:**

Part one/two storey rear/side extension and loft conversion with roof alterations to include rear dormer, and replacement fence to flank boundary.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 23

**Proposal**

The application seeks planning permission for the addition of a part one/two storey rear/side extension, loft conversion with roof alterations to include rear dormer, and replacement fence to flank boundary.

The application is a revision to the previously approved application 17/01423/FULL6 and follows a further application which was refused (18/01667/FULL6). The main alterations are outlined within the resubmission section below.

**Location and Key Constraints**

The application site is a two storey detached property located on the northern side of Oakdene Road.

**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

- Loft extension constitutes a gross and over dominant addition to the main dwelling which will reduce spatial standards in this locality.
- Overdevelopment of the site.
- Unsatisfactory departure from existing visual qualities of the area.

- Out of character with the area.
- Revised plans have not taken into account the conclusions of the various historic planning inspectorate appeal decisions to date.
- Dormer / Juliet balconies will severely overlook neighbours (particularly garden / conservatory)

Revised plans were received on the 23rd November and neighbours were reconsulted. The following additional comments were received;

- o Do not have any objections to the minor alterations included on the latest amended plans.
- o Would reiterate our objections to the wider application as outlined in the previous letter.

### **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

H9 Side space

BE1 Design of new development

## Draft Local Plan

6 Residential Extensions

8 Side Space

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;

- 10/03358/FULL6 - Single storey rear extension - Permission
- 15/03613/FULL6 - Part one/two storey side/rear and single storey rear extensions - Refused
- 16/00199/FULL6 - Part one/two storey rear/side extensions. - Refused and dismissed on appeal.
- 16/04367/FULL6 - Part one/two storey rear/side extensions - Refused and dismissed on appeal
- 17/01422/FULL6 - Part one/two storey side/rear extension - Permitted 26.05.2017
- 17/01423/FULL6 - Part one/two storey side/rear extension - Permitted 26.05.2017
- 18/01667/FULL6 - Part one/two storey side/rear extension and loft conversion with roof alterations to include hip to gable, rear dormer and front rooflights. (Amendment to approved ref: 17/01423 to include a loft conversion with roof alterations consisting of a hip to gable, rear dormer and two front rooflights). - Refused 06.06.2018

## **Considerations**

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

- Resubmission

- Design
- Highways
- Neighbouring amenity
- CIL

### Resubmission

The application site has an extensive planning history, with this application a resubmission following the refusal of the most recent application ref: 18/01667/FULL6. The application was refused on the following ground;

1. *The proposed roof alterations would be detrimental to the visual appearance of the host dwelling, resulting in an incongruous and unsatisfactory addition to the streetscene, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan and policies 6 and 37 of the Draft Local Plan.*

The refused application was itself a resubmission following the granting of permission for a part one/two storey side/rear extension under ref: 17/01423/FULL6.

The current application includes an increase in depth of the extensions from the previously approved application by 0.3m at first floor and approx. 0.6m at ground floor level. It would also result in the single storey outrigger element extending approx. 1.8m further to the rear than previously proposed (5.17m from the single storey rear extension).

The application has also reduced the roof alterations proposed within the previously refused application including the removal of the hip to gable element, though has included the addition of a rear dormer with a Juliet balcony in the rear roofslope.

The replacement of the boundary fence is also included within this application.

### 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.

Within the previously approved application ref:17/01423, it was considered that the retention of a hipped design to the roof of the extension to match the ridge and eaves height was acceptable given that it would not harm the appearance of the host dwelling or streetscene in general.

The previous application included a hip to gable extension and rear dormer which was considered to significantly increase the bulk of the roof, with the hip to gable design considered an incongruous addition to the area and harmful to the streetscene. The rear dormer projected the full height and width of the roof and was also considered excessive in its scale.

The current application has removed the hip to gable element, and significantly reduced the scale of the dormer so that it would sit within the rear roofslope of the hipped roof. The proposed dormer is not considered excessive in its scale and is not considered to harm the appearance of the host dwelling or streetscene in general.

The site has an extensive planning history, in which first floor rear extensions of 4m and above have previously been refused and dismissed on appeal due to the impact on No.76. The permitted application ref: 17/01422/FULL6 proposed a 4m rear first floor extension which was set in further from the boundary and considered acceptable, whilst a 3m first floor rear extension the full width of the dwelling was permitted under 17/01423/FULL6.

The current application seeks a first floor rear extension of 3.3m in depth for the full width of the property. The proposed extension would therefore project 0.3m further to the rear than the approved application 17/01423/FULL6, though it is not considered that this would result in the extension having a similar impact to the previously refused applications. On balance, it is considered that a first floor extension of 3.3m in depth would not result in such significant harm to light and outlook to No.76 that it would warrant a refusal of the application on these grounds.

The ground floor element would also be increased from the previous application by approx. 0.6m at ground floor level, and 1.8m to the outrigger element. The increased depth would add bulk to the property, though the 0.6m increase is not considered modest, whilst the outrigger element would be fairly narrow in its width. On balance, it is therefore considered the proposed enlargement of the single storey extensions would not be excessive or result in an overdevelopment of the site. A condition is however recommended to remove permitted development rights from the property to restrict any further development within the site in order to prevent an overdevelopment of the site.

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

#### 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 the impact on No.76, concerns had been raised within previous applications by the Council and the Inspector with regards to the impact of the depth of the first floor rear element on the outlook of No.76. The approved application ref: 17/01423/FULL6 overcame these concerns, however the current application seeks an increased depth to the rear at both ground and first floor levels. The increase in depth at first floor level of 0.3m is not considered to result in any significant additional harm above that which has previously been approved. The enlargement of the ground floor extension would be greater and would result in the dwelling projecting beyond the neighbouring dwelling at No.76 (and beyond the rear of the previously existing garage). This would result in a degree of harm to this neighbour, though the replacement boundary fence would screen the rearmost part of the extension given the topography of the land. The orientation of the sites is such that the extension would not significantly detract from light to this neighbour, and on balance it is considered that any loss of outlook would not be sufficiently above that which occurred from the previously existing garage as to warrant the refusal of this application.

The application also includes the addition of a rear dormer to the previously approved roof enlargement. The dormer would be sited within the roof slope of the permitted roof alterations, and has been significantly reduced in bulk from the previously refused application. The dormer is not considered excessive in its scale and given its siting in the roof would not result in a loss of light or outlook to neighbouring residents. It would include a Juliet balcony in its rear elevation which would provide a rear facing window at second floor level, however this is not considered to provide significantly opportunities for overlooking above that which would occur from the existing and proposed first floor rear windows.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment (delete as appropriate) of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

### 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 on balance 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 order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

**3** 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.

**4** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

**5** Before the development hereby permitted is first occupied the proposed window(s) in the first floor east 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