

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

**Application No :** 18/04528/FULL1

**Ward:**  
Penge And Cator

**Address :** 45 Whateley Road Penge London SE20  
7NE **Objections:** Yes

**OS Grid Ref:** E: 535888 N: 170431

**Applicant :** Mr Rahim Fetahu

**Description of Development:**

Form a new 1 person studio flat at second floor level

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 33

**Proposal:**

Planning permission is sought for the construction of a rear mansard roof addition to create an additional 1 person studio unit.

The new unit would have a GIA of 40.882sqm (above 1.5m finished floor level as set out on drawing No. 05 REV A).

The application was supported by the following documents:

- Drawing Nos. BP1, 01, 02, 03, 04 REV A, 05 REV A, 06 REV A & 07 REV A;
- Design and Access Statement;
- Application form.

**Location and Key Constraints**

The application property is a two-storey detached building located western side of Whateley Road. The area is characterised by terraced properties and flats.

The site is not within a conservation area or 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:

- Concern over increase in parking, the parking area to the front does not appear large enough and will result in the loss of 5 on-street parking places;
- The occupants allegedly run a van rental/repair business and park in the road and adjacent roads;
- Loss of light

- Loss of privacy;
- Impact on environmental welfare;
- Visually intrusive;
- Poor design and out of keeping with the character of the area and street scene generally;
- Concern that there would be more than 1 occupant given the current building is over occupied;
- Concern over the increase in noise and disturbance given the existing situation;
- Concerned over the impact on the values of the houses nearby;
- Concern over the construction given the limited space available for both parking and turning of large vehicles;
- Concern that existing building is not maintained and this will further exacerbate this;
- Air pollution;
- Against Building Regulations;
- Concern that this will impact buses and emergency services;
- Concern that not everyone in the area has been notified of the application.

### **Comments from Consultees**

Highways: The site is located in PTAL rate of 3 on a scale of 0 – 6b, where 6b is the most accessible.

Three parking would be provided via a new crossover, which is acceptable. Also one secure cycle parking is required.

Please include conditions regarding car parking, cycle parking and highway drainage with any permission

Drainage: No comment.

Waste: No comments 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 24<sup>th</sup> 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 4<sup>th</sup> 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 (2016):

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Unitary Development Plan (2006):

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance 1: General Design Principles  
Supplementary Planning Guidance 2: Residential Design Guidance

Emerging Local Plan (2016):

- Draft Policy 1 Housing Supply
- Draft Policy 37 General Design of Development
- Draft Policy 30 Parking
- Draft Policy 32 Road Safety

## Planning History

18/01302/FULL1 – Planning permission was refused for the introduction of mansard roof to provide 1-1 bed flat at second floor level (12.09.2018). The application was refused for the following reason:

*“The proposal, by virtue of its bulk, design and height would result in a discordant alteration, harmful to the character and appearance of the host building would fail to respect or complement the character and appearance of the street scene generally contrary to Policies BE1 and H7 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles; No 2 Residential Design Guidance and Policies 4 and 37 of the Draft Local Plan (2016)”.*

## Considerations

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

- Resubmission;
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality;
- The quality of living conditions for future occupiers;
- Amenity Space;
- Impact on adjoining properties;
- Access, highways and traffic Issues;
- Cycle Parking;
- Refuse; and
- CIL

### Resubmission:

To address the reason for refusal the front mansard roof has been removed.

The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality:

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community

cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H8 in its justification details that proposals for an additional storey on a block of flats should comply with the Council's requirements for new development, including car parking.

Policy BE1 of the UDP and 37 of the DLP requires a high standard of design in new development and the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

The main issues relating to the application are the effect that it would have on the character of the area. In this case it is noted that the existing building is of neutral architectural merit. However, as it currently stands the building forms part of cohesive urban form. The blocks of flats to the east and the Victorian terrace to the south.

The resultant building would be slightly higher than the adjacent buildings, the hip to gable extensions would mirror the existing Victorian/Edwardian housing stock and the retention of the hip to the front would retain the character of this side of the road. The introduction of the crown roof together with the mansard roof addition and dormers would be visible from the junction of Whateley Road and Somerville Road.

On balance it is considered that the revised design would complement the host building and the road in which it forms and now given the retention of the hipped front roof together with the reduced rear mansard would fit in with the street scene generally and not appear out of character in context to the scale and massing of the pattern off development in the vicinity. As such it is considered that the development would adhere to the above policies on design.

#### The quality of living conditions for future occupiers:

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement

London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015), further guidance on suitable floor area standards. In addition, consideration needs to be given to Policies 3.8 and 7.2 of the London Plan.

The nationally described housing standard requires 39 sqm GIA for a 1 person 1 storey developments. The proposal provides 40.882 sqm GIA, whilst it is appreciated that the units are under the size standards set out above the overall rooms provided are large and on balance would still provide a good standard of internal accommodation.

#### Amenity Space:

The London Plan generally requires 5sqm of private amenity space per unit. The existing units (45 and 45a) have use of the rear garden, the new property would not have any private amenity space, and however the proposal is for one bed units and as such is unlikely to be occupied by larger families. It is also noted that the application site is close to the Lennard Road Playing ground and Alexandra Recreation ground which also includes a children's play area. The playing and recreation grounds are within easy walking distance of the application site. Having regard to this and to the fact that it would not be practical to include external amenity space within the proposal given that it involves re-using an existing building on a tightly constrained urban site on balance it is considered that the lack of external amenity space is not a reason to withhold planning permission solely on this basis and therefore complies with Policy BE1 of the UDP which seeks, amongst other things, to ensure that development proposals respect the amenity of future occupants.

#### Impact on adjoining properties:

Policy BE1 of the Unitary Development Plan states that development should respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by noise disturbance, inadequate daylight, sunlight, and privacy or overshadowing. This is supported by Policy 7.6 of the London Plan.

The existing building on the application site is two storey detached building. In terms of outlook, the fenestration arrangement will provide front, flank and rear outlook over the rear and front curtilage.

It is noted that concerns have been raised regarding overlooking to neighbouring rear curtilage and loss of privacy due to the proximity of such windows. However, given the

windows largely align with existing flank windows in the building forming an established outlook across public and communal garden/functional spaces, this not considered a ground for refusal of the application on this basis.

In terms of increased noise and disturbance associated with an additional residential unit the current dwelling provides two 2 bed units which in itself could generate a number of occupants and associated activity and comings and goings. The additional unit on this plot would provide a 1-bed unit would inevitably generate activity that would increase the potential for noise and disturbance as a result of having three dwelling units on the site, however given the location of the development and the existing situation it is considered that on balance the development would not be significantly harmful to the existing living conditions of the occupants of the neighbouring properties.

Other objections have been raised regarding property value, the existing building being over occupied and as such this unit would accommodate more than one person, however these are not material planning considerations.

Taking the above matters into consideration, it is considered that proposed development would not have a significant adverse effect on the living conditions of occupiers of neighbouring residential properties having regard to privacy noise or disturbance over and beyond the current situation to warrant a refusal solely on this basis. It is therefore considered to comply with Policies BE1 of the UDP and 7.6 of the London Plan.

#### Access, highways and traffic Issues:

Concern has been raised over parking pressure on site given the existing situation; the Council's Highway Engineer has confirmed that no objections are seen to the proposals from a highway point of view. To ensure that there is no highway implications during construction a construction management plan has been proposed if the application is deemed satisfactory.

#### Cycle parking:

Cycle parking is required to be 1 spaces for per unit. No information has been provided, however this can be condition if the application is deemed satisfactory.

#### Refuse:

All new developments shall have adequate facilities for refuse and recycling. No information has been provided, however this can be condition if the application is deemed satisfactory.

#### CIL:

The Mayor of London's CIL is a material consideration. CIL is 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 and has fully addressed the previous reasons for refusal. The development would not be harmful to the character and appearance of the host dwelling, nor would appear out of character in the context to the scale and massing of the existing building and general pattern of development in the vicinity.

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 Prior to first occupation of the building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

**REASON: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.**

- 4 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.**

**REASON: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.**

- 5 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works regarding the front parking area. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

**REASON: To ensure a satisfactory means of surface water drainage and to accord with Policy 5.16 of the London Plan.**

- 6 Before the development hereby permitted is first occupied the proposed window(s) in the second floor northern 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

- 7 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies BE1, T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

You are further informed that :

- 1 With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage

[https://www.bromley.gov.uk/info/200083/roads\\_highways\\_and\\_pavements/279/access\\_to\\_your\\_drive\\_crossovers\\_dropped\\_kerbs/2](https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2)

- 2 Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the creation of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant**
- 3 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)**
- 4 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**