

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

Application No : 18/05127/FULL6

Ward:
Bickley

Address : 24A Claremont Road Bickley Bromley
BR1 2JL

Objections: Yes

OS Grid Ref: E: 542570 N: 168122

Applicant : Mr & Mrs Wilson

Description of Development:

Demolition of existing conservatory and construction of single storey rear extension.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12
Smoke Control SCA 13

Proposal

The application seeks planning permission for a single storey rear extension. The extension will measure 2.5m in depth with a width of 4.0m. The extension will have a gable end pitched roof measuring 3.6m in height at its maximum, pitching down to 2.4m at the eaves with five rooflights.

Location

The application site comprises a three storey detached dwelling on the southern side of Claremont Road, Bickley. The property is not listed and does not lie within any area of special designation.

Comments from Local Residents and Groups

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

- The presence of windows in the roof on the pitch facing our property will result in loss of privacy and light pollution.
- The windows placement means that it is possible to use them to view into the rear facing bedroom window in our property.
- The windows will illuminate at night into our rear facing bedroom windows which would be disturbing, particularly in summertime when the bedroom windows and curtains may be open.
- Condition 12 of the original permission for No.24A stated that no windows shall be inserted into the western flank elevation of the dwellings without the prior approval of the local planning authority in the interests of the amenities of the adjacent properties. We do not believe that anything has changed in respect of this condition and that the proposed roof lights should be refused to protect the amenities of our adjacent property.

- There is an existing side window in the wall of No.24A facing our property which causes a loss of privacy as it can be used to view into the rear facing bedroom window in our property. If this application is granted we request that consideration be given to the windows removal by condition of any permission.
- The proposed extension, by reason of its depth and bulk would result in a dominant form of development, harmful to neighbouring residential amenities by way of loss of outlook, daylight, privacy and prospect to our property and garden contrary to Policy BE1 of the Unitary Development Plan, Supplementary Planning Guidance Number 1 and 2 and Policy 37 of the Draft Local Plan.
- The original size of 24A Claremont Road was restricted by condition 14 of application reference 03/03957/OUT. The reason for the condition was in order to prevent overdevelopment of the site.
- Given the extensive consideration given to the original planning permission and the lack of any change to our house we do not see why the Council should now agree to this permission.
- The extension impinges into the 45 degree visibility splay from the rear windows in our rear rooms adjacent to the boundary.
- The extension would be dominating as the profile of the proposed would remove the current roof height tapering to the rear of the existing extension.
- The development would create an unacceptable sense of enclosure to the back of our house and garden cutting light and sunlight from our rear rooms. The problem is made worse because No.24A was built higher than the plans said it would be.

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.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the Framework.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th 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

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

00/00952/FULL1 - Two detached houses with integral garages (Outline) - Application Permitted.

03/03957/OUT - 2 detached houses with integral garages (OUTLINE) Renewal of permission 00/00952 - Application Permitted.

03/04210/DET - Details of siting, design, appearance and access pursuant to outline permission 00/00952 granted 28/11/00 for two detached houses with integral garages - Approved.

06/03069/FULL6 - Conversion of garage into habitable accommodation - Application Permitted.

11/00183/FULL6 - Single storey rear extensions and detached single storey summerhouse to rear. Part retrospective - Application Permitted.

18/03146/FULL6 - Rear/side single storey extension following demolition of conservatory - Application Refused.

Reason for Refusal:-

1. The proposed extension, by reason of its depth and positioning would result in a dominant form of development, harmful to neighbouring residential amenities by way of a loss of outlook, daylight and prospect contrary to Policy BE1 of the Unitary Development Plan, Supplementary Planning Guidance Number 1 & 2 and Policy 37 of the Draft Local Plan.

Considerations

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

- o Resubmission
- o Design
- o Neighbouring amenity
- o CIL

Resubmission

The application is a resubmission of reference 18/03146/FULL6 which was refused for the reason set out above. As part of this application the part side extension and parapet wall have been removed. The proposed depth has been reduced by 0.5m and the extension now projects to the rear in line with the existing extension maintaining the 1.0m separation to the boundary with No.22. The door and window are no longer proposed and the extension is shown to have five rooflights.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The development would project a further 1.2m to the rear than the existing extension and would have a gable end pitched roof which measures 3.6m at its maximum. The extension would retain a separation distance of 15.9m from its rearmost wall to the rear boundary of the site and 1.0m to the shared boundary with No.22. The proposed extensions size, scale and bulk would not significantly alter the appearance of the host dwelling. A representation has been received stating that the extension will overdevelop the site and will be contrary to the original planning permission which restricted the size of the development to being no more than 200sqm. Taking into account the proposed depth and height of the extension,

along with the generous size of the plot in which it sits, it is considered that the extension would be subservient to the main dwelling and would not overdevelop the site as a whole. It is recognised that the reason for the restriction of the original development was to ensure the site was not overdeveloped. However, each application must be decided on its own merits and it is considered that the proposed would not lead to an overdevelopment of the site. The proposed extension would not be visible from the public highway and so will not harm the character of the area or the streetscene in general. Insofar as possible the proposed materials will match those of the existing dwelling which would be complementary and compatible with the application site and developments in the surrounding area.

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.

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 extension would project past the rearmost wall of the closest neighbouring property, No.22, by approximately 3.7m and would retain the 1.0m separation distance from the shared boundary. It is recognised that despite the reduction in height the overall scale and bulk of the extension will be greater when compared with the existing mono pitched roof. It is also noted that the host dwelling sits at a slightly higher level than No.22. A representation has been received stating that the proposed would infringe on the 45 degree visibility splay taken from the rear window which sits adjacent to the shared boundary. It is recognised that there would be an encroachment into the 45 degree splay, however this would be minimal and its impact would be mitigated by the low eaves height of the proposed. Taking this into account, along with the 1.0m separation distance, the orientation of the site and the generous garden sizes of the properties, it is considered that, on balance, any impact the proposed may have in terms of overshadowing or loss of light on this neighbouring property would not be adverse enough to warrant a refusal of the application.

An objection has been received stating that the proposed rooflights would result in light pollution and an increased loss of privacy which would impact on neighbouring amenity. The objection also sets out that the original permission for the property stated that no windows were to be inserted into the flank elevation of the dwelling without the prior approval of the Local Planning Authority in order to protect the amenities of the adjacent properties. The proposed extension is proposed to serve a dining area. While the introduction of rooflights would increase the level of light being emitted from the property when compared with the existing situation it is not considered that this would be over and above what could reasonably be expected from a residential area. Taking into account the positioning of the rooflights within the extensions roof slope it is not considered that any potential loss of privacy would be adverse enough to warrant a refusal of the application.

The proposed development involves the removal of the existing conservatory which sits alongside the boundary with No.24. The flank wall of the proposed extension would sit 5.6m away from the boundary with this neighbour. It is also noted from the site visit that No.24 benefits from a rear extension which is approximately 2.5m in depth and 3.0m in height and which will help to mitigate any potential impact. Taking into account the separation distance between the extension and this neighbour along with the orientation of the site it is not considered that the proposed development would result in overshadowing,

loss of light or have an overbearing impact on this neighbour. Taking into consideration the location and size of the proposed rear and side windows it is not considered that there would be an increased chance of overlooking, loss of privacy or increase in noise outside of that expected in a typical residential dwelling.

Having regard to the scale and siting of the development, it is considered that, on balance, a significant loss of amenity with particular regard to light, outlook and prospect would not arise.

As part of the representations received a request was made for the Council, if minded to grant planning permission, to give consideration to the removal of an existing side window by planning condition. As the window already exists and its removal is not proposed as part of this application it is not considered that such a condition would be necessary or reasonable in this case.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has not 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, 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.