

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

Application No : 18/05087/FULL6

Ward:
Chislehurst

Address : 12 Beechwood Rise Chislehurst BR7
6TJ

Objections: Yes

OS Grid Ref: E: 543964 N: 171523

Applicant : Mr Jey Nageswaran

Description of Development:

Proposed loft conversion with rear roof dormer extension and conversion of existing front garage door into a window.

Key designations:

Smoke Control SCA 16

Proposal

Planning permission is sought for a rear dormer which would have a width of 9.4m and a height of 2.8m and the conversion of the integral garage to habitable accommodation which would involve removing the garage door and replacing it with a window with a width of 1.2m and a height of 1.1m.

Location and Key Constraints

The site hosts a detached dwelling which is situated on the north east side of Beechwood Rise.

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

- Property is part of an estate of 3-5 bedroom detached dwellings of similar design and construction
- Built in close proximity, only 8 feet between Nos. 12 and 14
- Layout of the estate is of open front gardens and fences back gardens offering a degree of privacy
- Covenants were put in place to protect streetscene and amenity of local residents
- Would like to think the covenants are still in place and a major consideration in planning
- Proposal would go against the covenant
- Would affect privacy, sunlight and daylight
- Would lead to a loss of amenity to adjacent properties
- current roofline of No. 12 allows a high degree of sunlight to north facing garden of No. 14
- adding a dormer will reduce amount of sunlight in autumn and spring when sun is lower
- will make garden colder and shadier

- will have ability to view No. 14 from greater height
- will lose any privacy we currently enjoy
- concerned that adding a living room and loft room will augment existing air conditioning units mounted on side of property working harder or require additional plant and noise levels will increase
- previous garage conversion was refused and dismissed on appeal under ref. 95.1512 at 8 Beechwood Rise
- have 4 car parked on a front drive and 2 on the street
- cars are driven over driveway in order to fit in 4 cars
- damages to pavement will put pedestrians at risk and it is used frequently by parents and children walking to and from Edgebury Primary School
- concerns that development will lead to additional cars parked on the road
- window in place of garage door will result in limited privacy at front or house being completely eroded
- covenant does not permit front boundary walls or fences
- area has been subject to similar loft extensions which have had retrospective applications refused
- understand that a loft conversion had permitted building regulations withdrawn after attention was drawn to covenant
- understand that after many local objections to a loft conversion at 6 Gossington Close were only granted permission if dormer windows were replaced velux windows
- Estate will be changed for worse if this and other similar applications are approved

Comments from Consultees

Highways: There is parking available for a number of vehicles on the frontage. The configuration means one car appears to be driving over the footway. However there is a limit on the width of a residential crossover so it is unlikely to be widened. I would have no objection to the application.

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 development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). 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

Bromley Local Plan

6 Residential Extensions
32 Road Safety
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:

Application Number	Description	Decision
85/03009/FUL	Residential development comprising 124 two storey houses with garages and parking spaces Kemnal Manor Lower School Edgebury Chislehurst	Permitted
02/02390/FULL1	Two storey rear and first floor front extensions and retrospective side boundary wall	Refused
02/03401/FULL1	Two storey rear and first floor front extensions and retrospective front and side boundary wall (PART RETROSPECTIVE)	Refused
09/02598/FULL6	2 rear dormer extensions and conversion of existing garage into a habitable room PART RETROSPECTIVE APPLICATION	Permitted

Considerations

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

- Design
- Highways
- Neighbouring amenity
- CIL

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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 6 and 37 of the BLP and the Council's Supplementary Planning Guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. It is further stated that dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

The proposal is not considered to result in a detrimental impact on the character of the area. To the front, the roof profile will remain as existing. The rear dormer will be set back from the eaves and from the main ridge height which would lessen its impact on the roof profile to some extent. There are other examples of rear dormers in the locality, including Nos. 4 and 8 Beechwood Rise (No. 4 was permitted under ref. 06/00770).

The dormer will provide two additional bedrooms in the loft space with the side windows to one of the two en-suite bathrooms and staircase.

The proposed dormer is a significant size however it would not be immediately adjacent to the road. Where it is visible from the road, from Gossington Close to the west side and from Beechwood Road where it turns through 90 degrees to the east, however its side elevations face these roads therefore it is not considered that the dormer would have a significant impact on the character of the area. Additionally, No. 10 to the east is situated further rearwards than the host dwelling which limit the visibility of the dormer from the road to the east. This proposal may have been normally be permitted development, however, permitted development rights were removed when the houses were first built under planning ref: 83/03009.

It should also be noted that permission was granted under planning ref: 06/00770 for a rear box dormer at No. 4 Beechwood Rise which is sited just to the rear of the site and which is also visible from the streetscene of Gossington Close.

On balance, having regard to the form, scale, siting and proposed materials it is considered that the proposal would not appear out of character with surrounding development or the area generally.

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 BLP 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.

The second part of this proposal is for the conversion of the garage into living accommodation room. However, it is noted within the planning history that the garage has already previously been permitted its conversion to a games room and that this was a retrospective permission therefore the garages was not previous is use for parking at this stage.

The loss of a parking space by way of the conversion of the garage is not considered to result in a harmful impact upon on-street parking levels due to there being sufficient spaces within the site's curtilage for at least 2-3 vehicles. Therefore, no objection was raised to the proposal by Highways Officers.

Neighbouring amenity

Policy 37 of the BLP 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.

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 upper floor flank and ensuite bathroom rear windows, it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

To the rear, the proposed loft conversion and rear dormers will overlook properties to the rear. The resulting overlooking is not considered to be an exacerbation over that of the existing situation, as views exist from the upper floor windows of the property into the gardens of the adjacent neighbouring properties either side of the site and to the rear. To the west side of the dormer, the bedroom window would be well set back from this side boundary as there would be a en-suite window nearer to the boundary which could be restricted to obscure glazing to prevent any experienced or perceived overlooking to No. 14. The proposed dormers are not considered to result in a significant loss of privacy given there are already large first floor rear windows.

The proposed dormer would be stepped down from the main ridge height and would not project beyond the rear elevation of the existing property therefore it is not considered that the proposal would result in a significant level of overshadowing over the existing level resulting from the orientation of the properties to the north east at the rear.

The proposed ground floor front window which would replace the garage door would be situated adjacent to the front driveway and garage of No. 14 and therefore would not overlook any private outdoor amenity space or the windows of this neighbouring dwelling.

On balance it is not considered that the proposed dormer would result in any further loss of privacy to an extent which would be seriously harmful to the amenity of the neighbouring properties.

Objections have been raised by local residents which relate to covenants applied to the property which restrict the type of development which can be carried out. This is however separate from the planning process and therefore would not be a material consideration for this application.

Additionally, the objections make reference to other applications for loft extensions and garage conversions. In the case of the garage conversion, the example given of a refusal at No. 8 under ref. 95/01512 is from many years ago under previous planning policies and there have been more recent examples of garage conversion being permitted including a previous application at this site (ref. 09/02598/FULL6) and another example at No. 5 under ref. 16/01154. Furthermore, no objections were raised by the Highways Officer. The comments also relate to a rear dormer at No. 8, this dormer has the benefit of a lawful development certificate granted for an existing development under ref. 15/05333 and another refused application for a rear dormer at No. 6 Gossington Close (ref. 12/02672). However, each application should be considered on its own merits having regard to the planning history of the site and the specific site and its context.

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 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 37 of the Bromley Local Plan 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 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 Before the development hereby permitted is first occupied the proposed window(s) in the flank elevation and rear ensuite bathroom window 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 37 and 6 of the Bromley Local Plan.