

SECTION '2' – Applications meriting special consideration

Application No : 18/05218/FULL6

Ward:
**Bromley Common And
Keston**

Address : 80 Gravel Road, Bromley BR2 8PN

Objections: Yes

OS Grid Ref: E: 542181 N: 165689

Applicant : Mr J Howard

Description of Development:

Loft conversion with hip to gable roof alterations including rear dormer extension and front rooflights

Key designations:

Conservation Area: Bromley Hayes And Keston Commons
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 22

Proposal

This application proposes a loft conversion with hip to gable roof alterations including rear dormer extension and front rooflights. The existing chimney will be extended as will the soil and vent pipe and a window is proposed to the south elevation.

Location and Key Constraints

The site is a two storey detached dwelling located to the west side of Gravel Road. There is a 0.54m space from the flank of the dwelling to the north boundary and c 2.4m sidespace to the southern boundary. The site is adjacent to Bromley, Hayes and Keston Commons Conservation Area and adjacent to a listed building. The land levels incline to the south.

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

- o Ridge line to adjacent house is already lower; the proposed development will over shadow and look over-developed
- o Over-dominant, bulky and incongruous development; will create cramped appearance
- o Impact on light - there are side windows to adjacent house
- o Adjacent to a Grade II listed building - aesthetics should be preserved
- o Query on side space
- o Will impact negatively on Conservation Area
- o Concern with how the site will be accessed in order to build the development - access to the adjacent property will be denied.

- o Design will have a greater impact on adjacent amenity than previous roof scheme
- o No daylight/sunlight report
- o covenant, stated on his title deeds, that protects "all rights to light" to the windows of number 78 (now 76) - this right will be defended
- o Will impact privacy - possibility to see into the rear window facing the boundary and loss of privacy of the garden.
- o No statement submitted to show how the development has taken into account the impact on adjacent listed building
- o the spatial standards of the proposal do not constitute a "sympathetic" design as both the new gable and the dormers will not meet the required 1m separation to the boundary with the conservation area.
- o Errors in consideration of 2009 application omitted consideration of adjacent listed building
- o All those who objected before should be consulted on current application
- o Unlike previous applications, the new gable will be flat topped, rather than apexed, meaning that the full height will be maintained over a longer distance, blocking more light. It will look oppressive.

Support

- o support comments have been received from the applicant highlighting the significant reduction in development proposed and the previous planning history

Comments from Consultees

APCA: APCA raise objections in that the proposal is harmful to the setting of the neighbouring Grade II listed building and the adjacent Conservation Area

Conservation Officer: the proposal is similar to the last application which was refused. I still feel that although outside the CA, the proposal would give the house a very top heavy appearance which would impinge on the setting of the neighbouring listed building and this part of the CA

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 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

Bromley Local Plan

6 Residential Extensions

8 Side Space

37 General Design of Development

42 Development adjacent to a Conservation Area

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
86/00321/FUL 26.03.1986	SINGLE STOREY REAR EXTENSION DETACHED DWELLING	PER
06/04082/FULL1 RETROSPECTIVE APPLICATION	Single storey garden building at rear	PER 20.12.2006
09/01846/FULL6 28.08.2009	Roof alterations incorporating rear dormer extension	PER
18/03114/FULL6	Part one/two storey side/rear extensions, loft conversion including hip to gable extensions, rear dormer extension and front rooflights	REF 28.09.2018

The reasons for refusal were:

1 The proposed extensions, by reason of their design, excessive scale and bulk would result in

bulky and incongruous additions to the host dwelling, resulting in a harmful impact on the character and setting of the Statutory Listed Building and failing to preserve or enhance the

adjacent conservation area, thereby contrary to Policy BE1, BE8, BE13 and H8 of the Unitary

Development Plan and draft policies 6, 37, 38 and 42 of the emerging local plan.

2 The proposed side extension 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 two storey development

in the absence of which the extension would constitute a cramped form of development and

out of character with the street scene and contrary to Policy H9 of the Unitary Development Plan and draft policy 8 of the emerging local plan.

3 By virtue of the size and scale of the proposed rear extension and the proximity of the development to the common side boundary with the adjoining property at No. 76, it is considered that the proposal will have a detrimental impact upon the residential amenity afforded to the owner/occupiers of neighbouring dwellings contrary to policy BE1 of the Unitary Development Plan and draft Policy 37 of the emerging local plan.

Considerations

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

- o Resubmission
- o Design
- o Heritage Impact
- o Neighbouring amenity

Resubmission

The increase in roof height has been deleted as have the footprint proposals. The scheme still includes hip to gable roof extensions and rear dormer. Refusal grounds 2 and 3 (above) have been dealt with by the revised plans. For consideration is how the scheme has addressed refusal ground 1.

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.

The proposed design includes hip to gable extension to both sides of the host roof and a rear dormer which retains the highest part of the ridge and extends virtually the width of roof as extended (off-set each side by c 200mm).

The context of the application site is important. The rear garden backs onto Doves Close and there are views through from the wider conservation area, Cross Road. Within the street scene of Gravel Road, the pair of semi-detached houses to the south of the application site are of gable end roof design, the application site with its existing hip roof design and adjacent, to the north, the listed building with hipped roof. Opposite the site, dwellings are mock tudor and have hipped roof design. There is then a variety of design within the streetscape. Due to the location of the application site adjacent to the Conservation Area and listed building any development proposal will be expected to preserve or enhance its setting and not detract from views into or out of the area.

Concerns are raised from a Conservation point of view that the proposal would give the house a very top heavy appearance which would impinge on the setting of the neighbouring listed building and this part of the CA.

APCA also raise concern in that the proposal is harmful to the setting of the neighbouring Grade II listed building and the adjacent Conservation Area.

The proposed roof extensions do introduce a bulk to existing dwelling which are likely to result in an overbearing appearance particularly given the proximity to the north boundary. The size of the dormer element exacerbates the bulk of development, and as noted there are wider views into the site. The hipped roof currently offers a softer relationship in relation to the adjacent listed building and Conservation Area. The planning history of the site is noted; however this scheme has been assessed on its own merits, in the context of the constraints of the site and on the plans as submitted.

It is therefore considered that the proposed extension has not sufficiently addressed the previous grounds of refusal and by reason of the design, excessive scale and bulk would result in bulky and incongruous additions to the host dwelling, resulting in a harmful impact on the character and setting of the Statutory Listed Building and would fail to preserve or enhance the setting of the Conservation 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

Within or adjacent to a Conservation Area:

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.

Policy 42 of the Draft Local Plan advises that a development proposal adjacent to a conservation area will be expected to preserve or enhance its setting and not detract from views into or out of the area.

Impact on Listed Buildings and their setting:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed

building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

As discussed above it is not considered that the proposed development would preserve the character and appearance of the conservation area

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.

Neighbour objections have been received and include concern over impact on privacy, light and that the design will have a greater impact on adjacent amenity than previous roof scheme.

The adjacent listed building, to the south, has an 'L' shaped element to the rear footprint. There is a part glazed door and a window which face the application site. There is a first floor window and ground floor window which face rearwards. Objections include a request for a full sunlight/daylight study. Whilst the ridge height is higher to the application site than this adjacent house the loss of light to the house and its garden, which otherwise enjoys largely open aspects, is likely to be marginal. It is therefore officer view that such a study is not required in this particular instance.

The proposed development shows no windows to the north elevation so no additional views would be created towards the living accommodation. The proposal includes rear facing windows to the proposed dormer which would have an oblique view over the neighbouring gardens but not to any greater extent than would typically be expected in a suburban location.

A flank window to the south elevation will serve a stairwell. A condition to secure obscure glazing can be applied in the event of a planning permission. Given the degree of separation and relationship to the adjacent house to the south it is considered that any impacts to this neighbouring amenity will not be so significant as to raise planning concern.

It is, on balance, officer view that the scheme would not harm the living conditions of adjoining occupiers and would comply with the relevant requirements of Policy 37..

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 unacceptable as it would result in a significant loss of amenity to local residents and/or 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: APPLICATION BE REFUSED

The reasons for refusal are:

The proposed extension by reason of design, excessive scale and bulk would result in a top heavy and bulky addition to the host dwelling, resulting in a harmful impact on the character and setting of the Statutory Listed Building and would fail to preserve or enhance the adjacent conservation area, thereby contrary to Policies 6, 37, 38 and 42 of the Bromley Local Plan and 7.4, 7.6 and 7.8 of the London Plan.