

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

**Application No :** 18/05317/FULL6

**Ward:**  
Orpington

**Address :** 5 The Drive Orpington BR6 9AR

**Objections:** Yes

**OS Grid Ref:** E: 545977 N: 165716

**Applicant :** Mrs Xian Hong

**Description of Development:**

Erection of part single storey/part two storey rear extension incorporating Juliet balcony to first floor, first floor side extension, front porch extension, loft conversion with rear dormer and roof lights to side elevations and elevational alterations.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 29

**Proposal**

Planning permission is sought for erection of part single storey/part two storey rear extension; incorporating Juliet balcony, first floor side extension, front porch, rear dormer window and roof light windows; in connection with loft conversion and elevational alterations.

**Location and Key Constraints**

The application site is No. 5 The Drive, Orpington, a detached two storey inter-war dwelling located on the southern side of the highway close to the junction with Sevenoaks Road. The land is predominantly level with boundaries marked by a mixture of approximately 1.8m high close boarded fencing, trees, vegetation and the walls of neighbouring buildings. The dwelling comprises a main block with a front gable and a rear hipped roof. It has a rearward projecting two storey outrigger and a single storey attached tandem garage running the full depth and projecting to the rear of the main dwelling. There is a single storey conservatory infilling the gap between the two storey outrigger and the rear part of the garage.

The area is residential in nature; characterised mainly by detached two storey dwellings; generally set within relatively spacious plots. They generally have similar size and scale and degree of separation from one another; and have a relatively regular plot size and orientation and overall design, with either front, side or rear outriggers, although many have been altered or extended.

## **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**

- The proposal is excessive in size,
- The additional 6m rearward depth would have an overbearing and overshadowing effect on the neighbouring property No. 3,
- The proposed ground floor and upper floor east facing windows would overlook bedroom windows and private amenity spaces at Nos. 1 and 3 The Drive and should be omitted or obscure glazed

### **Local Groups**

#### **Knoll Residents Association**

- The resulting dwelling would be overly large,
- The two storey extension would be 6m in depth and would dominate the outlook and overshadow No. 3 in particular,
- The Juliet balcony and side flank windows would overlook neighbouring properties

## **Comments from Consultees**

Tree Officer: No objection

## **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 (January 2019).

The application shall be determined in accordance with the following policies:

#### London Plan Policies

7.4 Local character

7.6 Architecture

#### Bromley Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

73 Development and Trees

#### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

#### **Planning History**

No relevant planning history.

#### **Considerations**

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

- Principle and location of development
- Design and landscaping
- Residential amenity
- Highways
- CIL

#### Principle and location of development

The site lies within an urban area where there is no objection in principle to new residential extensions subject to an assessment of the impact of the proposal on the appearance/character of the building, the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications.

#### Design and landscaping

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.

In this case Policy 8 of the London Borough of Bromley's Unitary Development Plan (2006) (UDP) is relevant. This Policy provides (*in part*): "*When considering applications for new residential development, including extensions, the Council will normally require the following:*

*(a) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building;*"

This policy seeks to ensure "*that the retention of space around residential buildings at first floor level and above is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas*". The proposed single storey side extension would be within 1m of the side boundary and as the upper floor/two storey element would be attached to the single storey element then by association it would also be within 1m of the side boundary and would technically conflict with the Policy 8 Side Space. It is noted that, the presence of the term '**normally**' in the body of Bromley Local Plan Policy 8 strongly implies, a need for discretion in the application of the having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

The existing dwelling is relatively sizable with projecting side and rear elements. The proposed extensions would remain subservient in footprint, size, scale, height and overall form to the existing dwellinghouse. The main part of the proposal would be positioned to the rear and centre of the existing dwelling. The upper floor side extension would be visible from the front and the north western side of the dwelling; however it would be set back approximately 7m from the main front elevation and it would consequently be glimpsed along the side of the dwelling. It is noted that in this case the side of the dwelling is more exposed and prominent due to the staggered building line as compared with a more conventional/straighter building line.

The north west flank elevation of the upper floor side extension would be positioned away from the boundary with No. 7 by approximately 1m and in this context where all the dwellings have a staggered building line; following the contour of the road, and they are also all set away from the common boundaries and have various different side elements, roof formations, outriggers and varying external materials, the proposal would be sufficiently well separated from its neighbours; it would respect the spatial standards in the area and the single storey and upper floor elements would not lead to a terracing effect with the neighbouring properties which would continue to appear as a collection of detached dwellings. As such the proposal would not result in an overdevelopment of the site and it would not lead to a cramped form of development.

The proposal would complement the form, mass and the hipped and gable ended roof design of the existing dwelling and the proposed external materials and these could be managed by planning condition. The proposal would involve the removal of one (magnolia) tree directly to the rear of the dwelling (conservatory); it is not of particular merit and it is not especially prominent within the street scene and does not offer particular public amenity value. There is no objection to its loss and given the nature, scale and design of the proposal, in this instance it is not considered necessary to soften or enhance the development with additional/new planting.

Having regard to the form, 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.

### Residential amenity

Policy 37 of the Bromley Local Plan 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.

As mentioned above, the majority of the development would be positioned to the rear and the north western side of the dwelling. Here it would be positioned slightly in front of but mostly along the blank flank side elevation of No. 7 where the additional building mass, combined with the plot orientation and path of the sun would not have a significantly more harmful impact on the amenities of the neighbouring occupiers by reason of overshadowing or overbearing effect. The main bulk of the proposed rear extension would be effectively screened from the outlook of the neighbouring property No. 3 by the existing two storey rear outrigger at the application site and as such this would minimise/mitigate any additional harm/impact to the outlook in this respect. On this basis the proposed development would be sufficiently well removed from the neighbouring properties that the size and scale of the building would not have a significantly more harmful impact on the amenities of the neighbouring property by reason of overshadowing or overbearing effect. 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 and prospect would arise.

The main outlook from the proposed extension would continue to be to the front and rear where any additional overlooking would not be significantly more harmful than that which may already exist. An upper floor side flank window serving the new rear bedroom could lead to more significantly harmful overlooking to the neighbouring properties to the east it would be a secondary window which could be fitted with obscure glazing and restricted opening to preserve neighbouring privacy amenity without detracting from the living environment of the future occupiers (the Applicant has indicated that this would be acceptable) and this could be managed by planning condition. As such subject to the imposition conditions regarding the use and retention of obscure glazing to the upper floor side flank window(s) and

the insertion of new upper floor side flank windows it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

### 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 Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

The proposal would increase the bedroom accommodation and therefore the potential household size however the existing garage space and forecourt space in front of the dwelling would be retained and this would accommodate off-street parking and therefore it would be unlikely to lead to additional adverse on-street parking.

### **CIL**

The Mayor of London's CIL is a material consideration. CIL is not 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 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 the interests of visual and residential amenity and in order to comply with Policy 37 of the Bromley Local Plan.
- 3** The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and/or drawings unless otherwise agreed in writing by the Local Planning Authority.  
**REASON:** In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan.
- 4** Before the development hereby permitted is first occupied the proposed upper floor east facing window serving Bedroom 5; 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 as such.  
**REASON:** In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan.
- 5** No windows (other than those shown on the plans hereby approved) shall at any time be inserted in the upper floor east and west facing elevation(s) of the extensions hereby permitted.  
**REASON:** In the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan.

**You are further informed that:**

- 1** The Applicant is reminded of their requirements and responsibilities according to The Party Wall etc. Act 1996. Further details can be found at the following address:  
[https://www.planningportal.co.uk/info/200187/your\\_responsibilities/40/other\\_permissions\\_you\\_may\\_require/16](https://www.planningportal.co.uk/info/200187/your_responsibilities/40/other_permissions_you_may_require/16)