

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

**Application No :** 19/01584/FULL6

**Ward:**  
**Bickley**

**Address :** 8A Bird In Hand Lane, Bickley, Bromley  
BR1 2NB

**OS Grid Ref:** E: 541944 N: 168991

**Applicant :** Mr & Mrs Frasilho

**Objections : YES**

**Description of Development:**

Conversion of garage into habitable room and part one/two storey front extension, two storey side and single storey rear extension incorporating a juliet balcony to rear. Elevational and internal alterations

Key designations:

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

**Proposal**

Permission is sought for a two storey front extension, part one/ two storey side extension and a single storey rear extension. The garage would be converted into an office. The details of the proposal are set out as follows:

Two storey front extension

The two storey front extension would be staggered. The single storey element would project 1.6m - 6m forward of the existing front elevation of the host dwelling to enlarge the lounge and provide a new hallway and a porch canopy. It would not extend beyond the side elevation of the host dwelling and the front elevation of the existing garage. The first floor front element would project 1.3m - 3.6m to provide a new bedroom and enlarge the existing bedroom. There would be two gable end roof elements to the front elevation and they would be set down from the main ridge.

The garage would be converted into an office.

Part one/ two storey side extension

The ground floor side extension with a side rooflight would project 1.7m from the existing flank elevation and would be 10m deep. It would not project beyond the

rear of the existing property. At first floor level, the side extension would be 5m deep to enlarge the existing master bedroom. It would have a hipped roof. There would be no flank windows at the first floor level and the windows at the second floor would be replaced.

### Single storey rear extension

The single storey extension would measure 3m deep, 4.3m deep and 3.5m high (2.4m eaves height). It would provide a new dining area.

### **Location and Key Constraints**

The application site is a two storey detached property located on the eastern side of Bird In Hand Lane, close to the junction with Nightingale Lane.

The site does not lie within any conservation area and No. 8 is located to the south of this application site which is a Grade II listed building. Both the neighbouring properties, No. 8 and No. 8B, are set forward and closer to main road. The character of the area is residential in nature.

### **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

- Loss of outlook and light;
- Reduced visual amenities;
- Overbearing;
- Overshadowing to the neighbouring rear bedroom window and ground floor kitchen rooflights
- The two storey side extension would affect the setting of No. 8, the Grade II listed building;
- The loft flank window (bedroom 4) would overlook No. 8 and it should be removed after the status of the Grade II listed building at No. 8 has been established.

### **Comments from Consultees**

#### Conservation Officer:

Previous scheme (planning ref: 18/05480/FULL6) "the appearance of the extension is a bit fussy but nonetheless the bulk of the house would still be quite far back in the site and on balance I could not say that the setting of the neighbouring listed building would be harmed.

Current scheme: "no new concerns"

Highways: did not consult

## **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 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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
- 7.8 Heritage assets and archaeology

### Bromley Local Plan

- 6 Residential Extensions
- 8 Side Space
- 30 Parking
- 37 General Design of Development
- 38 Statutory Listed Buildings

### 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:

18/05480/FULL6 - Demolition of an existing garage and an erection of a two storey front extension, two storey side and single storey rear extension - plus elevational alterations and Juliet balcony - 07.02.19 (Refused)

## Considerations

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

- Resubmission
- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

### Resubmission

The site has been subject to a previous refusal under planning ref: 18/05480/FULL6 for "Demolition of an existing garage and erection of a two storey front extension, two storey side and single storey rear extension - plus elevational alterations and Juliet balcony". The reasons for refusal were as follows:

1. The proposed development by reason of its height, depth and proximity would result in a reduction of outlook and an increased sense of enclosure to the occupiers of No 8B Bird In Hand Lane and would result in loss of daylight and prospect to the rear of this adjoining dwelling with particular regard to overbearing, visual intrusion contrary to Policies 6 and 37 of the Bromley Local Plan.

2. The proposal, involving substantial extension to the front at the first floor level of the proposal property would have a significant and detrimental effect on the character of the host building, the standard of separation and the street scene generally, thereby contrary to Policies 6, 37 and 38 of the Bromley Local Plan.

3. The proposed first floor flank window of the habitable room would result in a loss of privacy of the occupiers of No 8 Bird In Hand Lane. The proposal is therefore contrary to Policies 6 and 37 of the Bromley Local Plan.

The current application has significantly altered the design of the proposal and now incorporates a staggered two storey front extension. The length of the first floor element has been reduced from 8m to 3.6m to the north flank elevation facing No. 8B and the first floor flank window facing No. 8 has been removed. At the ground floor level, the bay window of the proposed office (existing garage) has been removed. To the south, the length of the ground floor side extension has been increased from 5m to 10m and the first floor side extension remains unchanged.

### 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.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy 6 of the Bromley Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

The property is located on the east side of the street. It is set back some 25m from the front boundary line. The proposed two storey front and part one/ two storey side extensions would not project beyond the front elevation of the existing garage. The proposed front roof would be gabled and set down from the main ridge. Also, the application property is situated further back than both No. 8B and No. 8. Given that the front extension would not project further forward than these neighbouring properties, the proposal would not have any detrimental impact on the street scene.

Policy 8 of the Bromley Local Plan states that 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, however, where higher standards of separation already exists within residential areas, proposals will be expected to provide a more generous side space, including corner plots. The proposal provides a minimum of 1m side space to the south flank boundary. It is therefore considered that the proposal is compliant with Policy 8 of the Bromley Local Plan.

Having regard to the form, scale and siting it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

### 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.

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.

No. 8 is a Grade II listed building and the application site is located to the north of this neighbouring property. This neighbouring property is set further forward than this application property and it has a garage immediately adjacent to the shared boundary. It is noted that the proposed side extension would reduce the side space between the host dwelling and this neighbouring property. However, given that the proposed extension would be set back 1m from the shared boundary, it is considered that the proposal would not affect the setting of No. 8, the Grade II listed building.

### 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.

It is noted that the garage conversion would result in the loss of one parking space. However, the application site has a generous front drive and the proposal would not result in an unacceptable increase in on-street parking demand.

## Neighbouring 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.

With regards to the neighbouring property to the north, No.8B, this neighbouring property has a recent planning permission for the demolition of the garage and erection of part one/two storey front/side extension and single storey rear extensions, loft conversion with side dormer and addition of rooflights (planning ref: 18/03457/FULL6) which would significantly alter the form and bulk of the dwelling. This neighbouring property and the host dwelling have some distance of 2.5m

It is considered that the depth of the first floor element of the front extension has been significantly reduced, from 8m to 3.6m deep. It would not extend beyond the existing flank elevation and it would retain the 1.5m set back from the shared boundary. With regards to the potential overshadowing impact to this neighbouring rear bedroom window, it is noted that there would be some degree of overshadowing. However, given that the first floor element would now be set back by some 2m from this neighbouring first floor rear elevation and the two storey extension would be some 4.5m away from the rear bedroom window of this neighbouring property, the proposal, on balance, is not considered to warrant a refusal.

With regards to the neighbouring property to the south, No.8, the proposed extension would be set in by 1m from the shared boundary. The proposed ridge height is subservient to the main roof height and no flank windows are proposed at first floor level. The neighbouring objections from No. 8 are noted. Given that the building line of the host dwelling is set behind this neighbouring property, it would not affect the setting of this Grade II listed building. The neighbours also commented that the flank window on the second floor should be removed after No. 8 became a Grade II listed building. The Conservation Officer has been consulted and he confirms that there was no such record. Therefore, given that the flank window at the second floor is an existing window, the proposed development is not contributing to any additional overlooking issue.

It is considered that the single storey extension is modest and would not have any significant amenity impact on the neighbouring properties. The other elements of the proposal, on balance, would similarly not have any significant impacts.

Having regard to the scale, siting, separation distance and existing boundary treatment of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would not arise.

## 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 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.**

### **You are further informed that:**

- 1 The applicants are reminded that any windows in the upper-floor flank elevations must be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, so as to comply with the requirements as stated in the Town and Country Planning (General Permitted Development) (England) Order 2015.**