

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

Application No : 19/01595/FULL6

Ward:
Petts Wood And Knoll

Address : 9 Princes Avenue, Petts Wood,
Orpington BR5 1QP

Objections: Yes

OS Grid Ref: E: 545342 N: 167538

Applicant : Mr And Mrs Du Plessis

Description of Development:

Demolition of detached garage at rear and erection of part one/two storey side and rear extension with light lantern

Key designations:

Article 4 Direction
Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 4

Proposal

It is proposed to demolish the existing garage, and construct a single storey side and rear extension which would extend up to the side boundary with No.7, and would project between 3-5m beyond the rearmost wall of the property. The extension would be set back 1.3m from the main front wall of the dwelling, and would have a hipped roof to the side with parapet wall, and a flat roof to the rear including a central roof lantern.

It is also proposed to add a first floor rear infill extension which would project 1.9m to the rear to come in line with the existing rear wall of the dwelling.

Location and Key Constraints

This semi-detached property lies on the south-western side of Princes Avenue, and backs onto No.6 The Chenies. The site is located within Petts Wood Area of Special Residential Character, and backs onto The Chenies, Petts Wood Conservation Area.

It lies adjacent to a detached dwelling at No.7 which has been extended to the side and rear.

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

- Out of keeping with the surrounding area
- Detrimental to the adjacent Conservation Area
- Would set a dangerous precedent for other similar extensions
- Detrimental impact on the ASRC
- Dwellings would become terraces
- Bins would be kept at the front as there would be no side access
- Overdevelopment of the site
- Detrimental impact on side window at No.7
- Garage would be too small for a car.

Local Groups (Petts Wood & District Residents' Association)

- Significant increase in footprint
- Extension would project 5m to the rear
- Detrimental impact on side window at No.7
- Overdevelopment of the property.

Please note the above is a summary of objections received and full text is available on the Council's website.

The application has been called into committee by a Ward Councillor.

Comments from Consultees

Highways: The proposal includes the removal of the rear garage. The existing side access to the garage would also go but it appears too narrow to easily accommodate a car. The proposed garage is too small for a car, which would leave one parking space on the frontage, as at present, although it may be possible to provide another one if required. No highways objections are raised to the proposals.

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

Bromley Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

42 Development adjacent to a Conservation Area

44 Areas of Special Residential Character

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:

Permission was refused in March 2017 (ref.17/00025) for a part one/two storey side/rear extension on the following grounds:

"The proposed two storey side extension, by reason of its size and close proximity to the south-eastern flank boundary with No.7 Princes Avenue, would have a seriously detrimental impact on the character and spatial standards of this part of Petts Wood Area of Special Residential Character, thereby contrary to Policies H8, H10 and BE1 of the Unitary Development Plan."

Permission was refused in September 2018 (ref.18/01804) for the demolition of the detached garage at the rear and the erection of a single storey side and rear extension on the following grounds:

"The proposal due to the impact of the forward projection of the side extension due to its design and prominence would have an unacceptable impact upon the character and appearance of the Petts Wood Area of Special Residential Character (ASRC) and would be contrary to Policies BE1, H8 and H10 of the Unitary Development Plan (2006) and Draft Policies 37, 4 and 44 of the Draft Local Plan."

The subsequent appeal was allowed in March 2019.

Considerations

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

- Resubmission
- Design
- Heritage Assets
- Neighbouring amenity
- CIL

Resubmission

The main differences between the current scheme and the scheme that was recently allowed on appeal (18/01804) are:

- The side wall of the single storey side extension would not now be inset adjacent to the side window to the study at No.7 Princes Avenue
- Part of the single storey rear extension would project 2m further to the rear adjacent to No.7
- A first floor rear extension is now proposed.

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

As with the permitted scheme, the proposed single storey side extension would close the gap between Nos.7 and 9 Princes Avenue, but it would be at ground floor level only, leaving a good separation at first floor level between the two dwellings. Similar single storey side extensions to the boundary have been permitted elsewhere in the Area of Special Residential Character, including at the neighbouring property at No.7.

The roof of the single storey side/rear extension would be hipped to the front and side, and would have a parapet wall adjacent to the boundary with No.7. The extension would appear similar to the adjacent side extension at No.7 (apart from the parapet wall), and it would not appear overly obtrusive within the street scene.

The Appeal Inspector found the impact of the single storey extensions on the street scene to be acceptable, and this would not differ in the current scheme.

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

Heritage Assets

The NPPF sets out in section 12 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.

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.

The proposed extension would be located approximately 25m from the adjacent Conservation Area which borders the rear boundary of the property, and due to its modest size, the extension would not adversely affect the character and appearance of the Conservation Area.

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.

The property already has a two storey rear extension across part of the rear elevation, and the proposed single storey extension would project 3m beyond this adjacent to No.11 (increasing to 5m adjacent to No.7). The adjacent dwelling at No.11 also has a two storey rear extension, and the proposed single storey rear

extension would project 3m beyond it which is not considered to result in any undue loss of light or outlook to this property. This aspect was previously considered acceptable by the Council.

With regard to the impact on No.7 to the south-east, the proposed single storey side/rear extension would now project 5m to the rear adjacent to No.7, as opposed to 3m in the permitted scheme, but No.7 currently has a part one/two storey side/rear extension which projects a significant distance beyond the rear of No.9, and the proposed extension would not project beyond it. The proposed extension would also replace an existing garage which is located next to the boundary with No.7, and the proposals are not therefore considered to have a detrimental impact on light to or outlook from the adjacent property.

The proposed first floor rear extension to No.9 would project only 1.9m to the rear up to the existing rear wall of the dwelling, and it would be set back 2.2m from the side boundary with No.7. It is not therefore considered to result in loss of light, privacy or prospect to this property.

Residents have raised concerns about the location of the proposed single storey side extension immediately adjacent to the flank window of the garage/study at No.7, and its impact on light to this room. The Appeal Inspector previously identified that this window would be enclosed, but commented that the study space served by the window has rooflights that provide daytime illumination of the room, and that permitted development rights would in any case allow a 4m high single storey side extension to be built at No.9 that would directly block off light to this window. He therefore concluded that the proposed development would, under these circumstances, have a minor adverse impact on the living conditions of the occupiers of No.7 which would be insufficient to warrant dismissal of the appeal.

Although the previous scheme proposed a small inset opposite the study window at No.7, in view of the Inspector's comments above, the proposed blocking of the window in the current scheme would not justify refusal on residential amenity grounds.

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

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 revised proposals are acceptable in that they would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the Area of Special Residential Character, nor on the adjacent Conservation 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 No windows shall at any time be inserted in the first floor flank elevation of the part one/two storey side and rear extension hereby permitted.**

Reason: In the interest of the amenities of the adjacent properties and to comply with Policy 37 of the Bromley Local Plan