

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

Application No : 19/01206/FULL1

Ward:
Petts Wood And Knoll

Address : 174 Petts Wood Road, Petts Wood,
Orpington BR5 1LG

Objections: Yes

OS Grid Ref: E: 544517 N: 167761

Applicant : Mr Fethi Huseyin

Description of Development:

First floor rear extension and roof alterations including front rooflights and rear dormer, and conversion of upper floors of Nos.172-174 into 2 one bedroom flats

Key designations:

Conservation Area: Station Square Petts Wood

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Secondary Shopping Frontage

Smoke Control SCA 4

Proposal

It is proposed to add a first floor rear extension and roof alterations including 3 front rooflights and a rear dormer extension, and convert the upper floors of Nos.172-174 Petts Wood Road into 2 one bedroom flats.

The proposed first floor rear extension would project 2.2m to the rear, and has already been granted permission under ref.17/01063 which is still extant.

The application was supported by the following documents:

- Planning Statement

Location and Key Constraints

This property is a mid-terrace building which contains a commercial unit on the ground floor and a two bedroom residential flat above. It lies within a parade of similar buildings, and falls within Station Square Petts Wood Conservation Area.

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 privacy to neighbouring gardens from larger rear windows
- Inadequate parking
- Problems with refuse.

Local Groups (Petts Wood & District Residents' Association)

- The proposed refuse bins and bicycle stands at the front of the property would be an eyesore and detrimental to the Conservation Area
- Rooflights would be white PVC which is out of character with the Conservation Area
- Inadequate parking provision for the flats
- Increased window sizes would result in increased overlooking of neighbouring properties
- Flat A would have inadequate light
- Internal living space has been reduced rather than increased.

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

The application was called into committee by a Ward Councillor.

Comments from Consultees

APCA: Did not view the application.

Environmental Health Housing Officer: No objections are raised to the proposals.

Highways: The site is in a moderate (3) PTAL area. There are 3 parking spaces at the rear of the unit served from the access from Woodland Way, one of which is indicated to be allocated to the first floor flat. This would leave one of the flats without a space.

The 2017 scheme was for a similar development which was refused and went to appeal. Although there was a highway ground for refusal relating to parking, this was not contested at the appeal for which the appellant was awarded costs. As this is basically the same layout, no objections are raised to the current 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.

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.1 Climate Change
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture

Bromley Local Plan

- 4 Housing Design
- 30 Parking
- 37 General Design of Development
- 41 Conservation Areas

Supplementary Planning Guidance

Mayor's Housing Supplementary Planning Guidance
NPPF

Planning History

The relevant planning history relating to the application site is summarised as follows:

Permission was granted in May 2017 (ref.17/01063) for a first floor rear extension which has not yet been built.

Permission was refused in August 2017 (ref.17/03109) for roof extensions and conversion of the upper floors into 2 one bedroom two person maisonettes on the following grounds:

"The proposed rear dormer extension, by reason of its design and excessive bulk, would have a detrimental impact on the character and appearance of the building and would fail to preserve or enhance the character of appearance of the Station Square: Petts Wood Conservation Area, thereby contrary to Policies BE1, BE11 and H8 of the Unitary Development Plan, Policies 6, 37 and 41 of the emerging Local Plan."

Permission was refused in January 2018 (ref.17/05290) for a revised scheme which included a smaller rear dormer extension, on the following grounds:

- 1 The proposed rear dormer extension, by reason of its design and scale, would have a detrimental impact on the character and appearance of the building and would fail to preserve or enhance the character of appearance of the Station Square: Petts Wood Conservation Area, thereby contrary to Policies BE1, BE11 and H8 of the Unitary Development Plan, Policies 6, 37 and 41 of the emerging Local Plan.
- 2 The proposal would provide an unsatisfactory quality of residential accommodation, detrimental to the living conditions and amenity of future occupants, and contrary to Policy BE1 and draft policy 37 of the Unitary Development Plan, Policy 3.5 of The London Plan, the DCLG Technical Space Standards and the Mayor's Housing Supplementary Planning Guidance (2012).
- 3 The proposal lacks adequate off-street car parking for a new dwelling in a low PTAL area, therefore the proposal would lead to an increase in on-street car parking demand to the detriment of general highway safety, contrary to Policies T3 and T18 and draft policies 30 and 32 of the Unitary Development Plan.

The third ground for refusal was later withdrawn by the Council.

An appeal was lodged but was dismissed in December 2018 on grounds relating only to the inadequate living conditions for future occupiers in terms of inadequate daylight to the main living areas, and lack of outdoor space or sufficient internal space to compensate for the lack of outside space. All other aspects of the proposals were considered acceptable.

Also of relevance is the land to the rear of Nos.172-174 Petts Wood Road for which permission was granted in May 2017 (ref.17/01064) for a single storey rear extension with a mansard roof and a rear dormer providing office space storage for the A1 unit at first floor level, storage space to the ground floor rear and enlargement of the A1 Unit. This scheme was later revised by permission refs.18/01873 and 18/03769.

Considerations

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

- Resubmission
- Density
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL

Resubmission

The current scheme differs from the previously refused and dismissed scheme (ref.17/05290) in the following main ways:

- One of the flats (Flat A) would now be a one person flat rather than a two person flat
- Each flat has now been provided with additional internal space (over and above the required minimum floorspace) to compensate for the lack of any external amenity space
- The internal layouts of the flats have been reconfigured and the rear windows enlarged in order to improve daylight to the main living areas
- Three front rooflights are now proposed rather than two.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the

site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

The proposed rear dormer extension would be the same as the dormer previously proposed in the appeal scheme, to which the Inspector had no objections. He commented that "the proposed dormer would be modest in size and comparable to the scale and design of existing dormers seen on this terrace" and that "the proposed dormer would fit comfortably within the roof slope and would be of a size and design appropriate to this roofscape". He concluded that the proposed rear dormer would preserve the character and appearance of the area, including the Petts Wood Station Square Conservation Area.

With regard to the proposed front rooflights, no objections were previously raised to the provision of two rooflights in the front roof slope, and the addition of a further front rooflight would not detract significantly from the appearance of the building, or the character of the surrounding area.

The proposed first floor rear extension is the subject of an extant permission, and the enlargement of the rear-facing windows would not cause harm to the appearance of the building.

Heritage Impact

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.

The previous Appeal Inspector considered the external changes to the building to be acceptable in terms of their impact on the Conservation Area, however, it may be considered appropriate for timber frames to be used for the windows and rooflights rather than UPVC. Details of the materials to be used can be conditioned for subsequent approval.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

The previous scheme was dismissed on appeal as it was considered to result in inadequate living conditions for future occupiers in terms of inadequate daylight to the main living areas, and a lack of outdoor space or sufficient internal space to compensate for the lack of outside space.

The minimum space standards for the proposed units are 58sq.m. for a one bedroom flat for 2 persons over two floors and 37sq.m. for a one bedroom flat for 1 person on one floor with a shower room rather than a bathroom. The proposed one bedroom 2 person flat would provide 63sq.m. floorspace, whilst the one bedroom 1 person flat would provide 43sq.m. floorspace which would comply with the required standards.

No external amenity space is provided for the flats, but an additional 5-6sq.m. would be provided internally for each flat in order to compensate for the lack of outside space, which would now comply with the Mayor's Housing SPG.

With regard to the previous concerns raised about inadequate daylight to the main living areas of the flats, the internal layouts have now been changed such that each flat is now considered to achieve adequate levels of daylight, and Environmental Health have now raised no objections to the revised scheme.

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 and Bromley Local Plan should be used as a basis for assessment.

The previous scheme for 2 one bedroom flats was not considered to have a harmful impact on parking and traffic in the area (by the withdrawal of the highways ground for refusal), and the current proposals would not differ in terms of their impact.

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 previous scheme was not considered to have a detrimental impact on the amenities of neighbouring residential properties, however, concerns have been raised by residents regarding the enlarged rear windows now proposed in the first floor rear extension in terms of increased overlooking. Three rearward-facing windows were proposed in the permitted scheme (17/01063), and although these windows would now be larger (to allow more light into the first floor flat), they would have only an oblique view of adjacent rear gardens, which is not uncommon in a residential area, and the view of properties to the rear would be obscured by the two storey office building at the rear of the site.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

The revised proposals are now considered to adequately overcome the previous Inspector's concerns with regard to the standard of residential accommodation provided.

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 (a) Notwithstanding the submitted plans, prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.**

(b) The development shall be carried out in accordance with the approved details.

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 commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the details as set out in this planning permission and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

Reason: In order to comply with Policy 30 of the Bromley Local Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the**

debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL