

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

Application No : 19/01326/FULL6

Ward:
Copers Cope

Address : 23 Springpark Drive Beckenham BR3
6QD

OS Grid Ref: E: 538426 N: 168968

Applicant : Mr & Mrs Islam

Objections : YES

Description of Development:

Two storey side extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 9
Smoke Control SCA 21

Proposal

Permission is sought for a two storey side extension and elevational alterations to the garage and porch.

The proposed two storey side extension would project 2.3m from the existing flank elevation and would be 8.6m deep. It would be set back 1m from the front elevation and would not extend further than the existing rear elevation. The eaves height would be 5.2m, with the ridge set down 2.2m. The roof would incorporate a gable end to match the existing property.

The proposal also includes the integrated garage being converted into a kitchen.

Location and Key Constraints

The application site is a two storey dwelling located on the turning corner of Springpark Drive, near the junction with Stanley Avenue.

The site does not lie within any conservation area and the property is not a listed building. 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:

- The covenant for the estate restricts construction of any side extension within the estate; (Officers' note: covenants are outside of planning control)
- A foundation trench has already been constructed;
- The side extension would be detrimental to the overall appearance of the original layout and design of the Estate;
- Conversion of the garage will lead to cars potentially parking on the corner.

Oaklands Residents Association:

- A 5 feet deep and 2 feet wide trench for the proposed foundations have been constructed on site;
- Three protected trees of height over 15 feet on common land just 6 feet away from the proposed extension will be affected by the proposal;
- Part of the pavement is unusable because of the works.

Comments from Consultees

Highways: "There is still adequate parking for two cars so I would have no objection."

Tree Officer: "According to the Arboricultural Report (Arb) trenches required for the development have already been dug in the roof protected area (RPA) of the 2 trees worthy retaining Norway Spruce (T5) and Ash (T3). Therefore, the initial impact that we may have been concerned about and sought to prevent has already occurred.

The pruning proposed to facilitate development is fairly detrimental to the appearance T5 and T3 but within the rights of the property owner already. Even with such pruning the proximity of the proposed extension to T5 and T3 is unfavourable to the development of both crowns and will create future pressure.

Therefore, if permission is to be granted I would recommend using the conditions for Tree protection and Retained trees."

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

73 Development and Trees

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:

19/01572/PLUD - Single storey extension and garage conversion - 21.05.2019
(Refused)

Considerations

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

- Design
- Side space
- Highways
- Neighbouring amenity
- Trees
- CIL

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 site is located on a corner plot, at the turning corner of Springpark Drive. Therefore the proposal would be highly visible from the street. Given that there are trees and shrubs located on the north-west boundary which provide screening to the proposed extension, it is considered that the extension would not appear intrusive to the street scene. With the materials proposed to match the existing, the two storey side extension is not considered to impact significantly on the character of the host property or the street scene in general.

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.

Side space

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 boundaries of the site should normally be retained for the full height and length of the flank wall of the building, however, where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space, including corner plots. It is noted that the extension would provide a gap of only 0.3m to the site boundary. However, there is a strip of amenity land currently covered by trees and shrubs that is close to the junction, which would provide a minimum of some 10m distance from the proposed extension to the public highway and therefore the proposal would not create any terracing effect to the area and would be compliant with Policy 8 of the Bromley Local Plan.

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 application would result in the loss of parking space through the conversion of the existing garage to habitable space. However, there is off-street car parking space provided at the site, and as such the loss of the garage at the property is not considered detrimental to on-street parking. No objections were raised by the Highways Officers.

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 No. 21, the neighbouring property to the south-east of the host dwelling, the proposed side extension would not extend beyond the front and rear elevations of the host dwelling and therefore it would not be visible from No. 21 and it would not have any detrimental neighbouring amenity impact to this neighbouring property.

The objections raised by the occupiers of the neighbouring properties and Oaklands Residents Association are noted. With regards to the construction work that has been carried out, the applicants have confirmed that the foundations have been constructed but no ground construction or any work to the exterior has been commenced.

With regards to the covenant that has been imposed and will restrict further extensions to the properties in the estate, the applicants expressed their views that they did not have such a covenant when they purchased the property. Members should be aware that the matters regarding to this covenant is a legal matter and it

would be covered under separate legislative regime and fall beyond the scope of this assessment. The applicants also stated that they will take legal advice on this matter separately prior to any construction starting.

A Juliet balcony is proposed to the first floor side elevation of the extension. Given that there is an existing first floor flank window, the proposal would not result in any additional overlooking or loss of privacy than present.

Having regard to the scale, siting, separation distance, orientation, 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.

Trees

Policy 73 of the Bromley Local Plan requires trees of environmental importance should be retained and protected. When considering development proposals, trees should be retained as many as possible.

There are trees and shrubs immediately adjacent to the north-west boundary of the application site but none of them are protected by Tree Preservation Orders (TPOs). It is noted that the trenches required for the development have already been dug and our tree officers have commented that the initial impact that they would have been concerned about and which they would have sought to prevent has already occurred. Also, the tree officers have concerns about the pruning proposed to facilitate development being detrimental to the trees, especially the Norway Spruce and Ash on the amenity land. Therefore, two tree conditions are proposed in relation to protecting the trees in the area, if the planning permission is granted.

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 file ref: 19/01326/FULL6 and any other applications on the site set out in the Planning History section above, excluding exempt information.

as amended by documents received on 06.06.2019

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** Prior to the commencement of the development hereby approved (including demolition and all preparatory work), tree protection measures shall be installed in accordance with the approved Tree Protection Plan (Arbtech TPP 01). Such measures shall not be moved or removed, but shall be retained in situ until completion of the development and all materials and machinery have been removed from the site, unless otherwise agreed in writing by the LPA. The development shall thereafter be carried out in accordance with the approved Arboricultural Method Statement (dated 6th June 2019), including adherence to the recommended schedule of arboricultural supervision, or any variation as may subsequently be agreed in writing by the LPA.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the trees to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with Policies 37, 73 and 74 of the Bromley Local Plan.

- 5** Any existing tree indicated to be retained by the plans hereby approved, including offsite trees, that dies, is removed or becomes severely damaged or diseased within 5 years of planting shall be replaced with a number and species of trees to be determined by the Local Planning Authority. Following the initial pruning necessary to facilitate development recommended in the Arboricultural Method Statement, there shall be no further works to T3 or T5 without prior written consent from the Local Planning Authority within 5 years or the completion of development.

Reason: In order to comply with Policy 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.