

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

Application No : 19/01998/FULL6

Ward:
Bromley Town

Address : 103 Murray Avenue Bromley BR1 3DS

Objections: Yes

OS Grid Ref: E: 540841 N: 169261

Applicant : Mr Hassan Hassan

Description of Development:

Part one and part two storey side extension over existing garage with three rooflights in rear roof pitch and one rooflight in side roof pitch.

Key designations:

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

Proposal

The application seeks planning permission for a part one and part two storey side extension over existing garage with three rooflights in rear roof pitch and one rooflight in side roof pitch.

The proposed side extension would extend to the southern side of the dwelling. It would involve additional first floor accommodation over the existing garage resulting in an enlargement and alteration to the existing cat slide which slopes down to the southern side of the dwelling. The height of the eaves is shown to be increased from 2.3m to 3.9m (an increase of 1.3m) and a new window at first floor within the front elevation of the extension is also proposed. The rear of the existing garage is also shown to be reduced in length by 0.5m and the garage space converted into habitable accommodation. To the rear of this existing garage, the proposed extension would extend at two storeys for a width of 1.7m and length of 7.5m to align with the main rear elevation of the existing dwelling. The flank wall of this part of the proposed extension would be located 1m from the southern side boundary. It would have a hipped roof sloping to the side and rear to match that of the existing dwelling; however, the eaves height is shown to be lower to the rear (a height of 3.9m from ground level to align with the eaves height of the proposed first floor extension above the existing garage).

The proposed extension would include two windows within the southern flank elevation (one at ground floor and one at first floor which is shown to be obscure glazed), a set of bi-folds at ground floor to the rear which would extend across part

of the rear of the existing dwelling, one rooflight within the side roof slope of the proposed extension, and three rooflights within the rear roofslope of the existing dwelling.

The submitted drawings indicate that the proposed extension would be finished with render walls, a tiled roof and black windows and doors to match the existing dwelling.

Additional information including a revised drawing (Drawing No. 136.200.116) and supporting statement were submitted by the applicant on 19.06.19 in relation to concerns regarding loss of daylight, sunlight and overshadowing and Rights to Light raised by the neighbouring occupier.

Location and Key Constraints

The application site hosts a two storey semi-detached dwellinghouse located on the western side of Murray Avenue, Bromley. This section of Murray Avenue comprises pairs of two storey semi-detached dwellinghouses of a similar size with variations in design.

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 light
- Overshadowing
- The proposed extension will cause the light of sky to the bathroom and circulation areas of hall and stairwell to be reduced and constitutes an obstruction
- Right to light of over 35 years
- The design and access statement is contradictory
- Unlike most properties in Murray Avenue who have their own side passageways, the pathway between 101 and 103 is shared and so the two houses are very close together; the space between many properties is 2.5m but the passageway between 101 and 103 is 1.2m wide
- Light to the passageway will be darker
- The passageway will be the only source of entry if any works commence which will result in a loss of its use for an undetermined amount of time and will be a health and safety concern/issue
- The proportion and balance of the proposed extension will not be in keeping with the adjoining semi-detached property at 105

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 fails 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
- 37 General Design of Development

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

There is no relevant planning history relating to the application site.

Considerations

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

- Design and Scale
- Neighbouring amenity
- CIL

Design and Scale

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.

Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. These policies are supported by Policies 7.4 and 7.6 of the London Plan.

The application property is one half of a pair of semi-detached dwellings, both of which benefit from side cat slide roofs with eaves heights at a single storey level. As such any extension to the side would to some extent unbalance the symmetry within the streetscene. However, it is noted that there is evidence of similar two storey side extensions within the area. Furthermore, whilst the height of the eaves would be increased by 1.6m, it would still remain lower than that of the eaves to the front of the main roof of the application dwelling and the neighbouring dwelling at No. 101, which would also allow the roof design to retain the same angle as the existing roof. The overall increase in width of the property when viewed from the streetscene as a result of the extension would therefore be modest and a degree of symmetry with the adjoining semi would be maintained. Accordingly, the impact of the extension on the character and appearance of the pair of semis within the streetscene is considered acceptable.

The proposed first floor element of the extension above the existing garage would abut the side boundary, with the two storey part of the extension behind being set a minimum of 1m from the boundary. Policy 8 of the Bromley Local Plan relates to Side Space and states that for applications for new residential development, including extensions, the Council will normally require a minimum 1 metre space from the side boundary of the site to the flank wall for the full height and length of the building. Supporting paragraph 2.1.68 further states that the Council considers that the retention of space around residential buildings at first floor 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 levels of visual amenity which characterise many of the Borough's residential areas.

The existing garage wall at the application property abuts the side boundary; however, there is a communal access between the application dwelling and neighbouring property at No. 101 of 1.2m in width which separates the flank walls of both dwellings. Furthermore, although the proposed extension would result in an increase in the height of the flank wall of the dwelling abutting this boundary, its increase in height would be only 1.6m with low level eaves height and sloping roof maintained. As such, given the size and design of the proposed extension and the presence of the 1.2m wide communal access, the overall reduction in space

between properties from viewed from the streetscene is considered to be minimal and would not result in a cramped appearance or unrelated terracing.

The two storey element of the extension would be set away from the boundary and its overall design would be in keeping with the scale and form of the existing dwelling. The materials for the proposed extension and the size of the proposed windows/doors would also match the existing dwelling.

Having regard to the above, it is considered that, on balance, the proposed extension would respect the scale and form of the host property and would not appear out of character with surrounding development or the area generally.

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.

The proposed extension would project to the southern side of the dwelling and as such the impact of the proposal on the amenities of the neighbour to the south at No. 101 fall to be carefully considered.

Concerns have been raised by the occupier of the neighbouring property at No. 101 with regards to loss of light and overshadowing to the flank windows which face the application site and the communal passageway which runs between the dwellings. The Local Planning Authority is required to consider the residential amenities of the neighbouring dwellings which include loss of daylight, sunlight and overshadowing. However, the legal aspects of Right to light would be a private matter which is not a material planning consideration.

The proposed extension would be located between 1.2m and 2.2m from the flank wall of this neighbouring dwelling (No. 101). It is noted that No. 101 benefits from two first floor flank windows which face the application site and as such the proposed extension would bring the application dwelling closer to these windows. However, they serve a stairway and bathroom, and as such do not serve habitable rooms. Furthermore, they are both obscure glazed. As such, the impact to light and outlook to these windows would be limited and is not considered to result in any significant loss of amenity to the occupiers of this neighbouring dwelling as to warrant a refusal of planning permission on this basis.

The proposed extension would project around 2.8m beyond the rear wall of this neighbouring dwelling. However, given the separation of 2.2m and the hipped roof design, as well as the orientation of the dwellings with No. 101 lying to the south of the application dwelling, there is not considered any undue loss of light or outlook to these rear facing windows.

Two flank windows and a rooflight within the side roof slope facing No. 101 are also proposed within the extension. The proposed ground floor window would face

a blank flank wall at ground floor at no. 101 and given that an existing ground floor window already exists in a similar location at the application dwelling there would not be any additional opportunities for overlooking or loss of privacy. The proposed first floor window would also be in a similar location to a first floor window within the existing dwelling. In addition, as it would serve a bathroom it is shown to be obscure glazed helping to reduce any impact on privacy. The proposed side rooflight would serve a stairway and could also be required to be obscure glazed and non-opening if less than 1.7m from internal room height to prevent any increased opportunities for overlooking and subsequent loss of privacy.

Having regard to the above, it is considered that no significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise from the proposed development.

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, on balance, 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 and appearance of the host dwelling or area in general. The application is therefore considered to accord with the overarching aims and objectives of Policies 6, 8 and 37 of the Bromley Local Plan and Policies 7.4 and 7.6 of the London Plan.

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.

as amended by documents received on 19.06.2019

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 Before the development hereby permitted is first occupied the proposed window/rooflight within the southern flank roof slope; 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/rooflight shall subsequently be permanently retained as such.

Reason: In the interests of protecting residential amenity in accordance with Policy 37 of the Bromley Local Plan.