

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

Application No : 19/02299/FULL6

Ward:
Penge And Cator

Address : 134 Kent House Road Beckenham BR3 1JY **Objections: NO**

OS Grid Ref: E: 536177 N: 170826

Applicant : Mr Martin Charnley

Description of Development:

Single storey rear and first floor side extensions.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 25
Urban Open Space

Proposal

The application seeks permission for the addition of a single storey rear extension and first floor side extension.

The proposed single storey rear extension would have a maximum depth of 2.13m and a width of 4.992m. It would feature a flat roof with a height of 3m that would project the full width of the property across the existing conservatory.

The first floor side extension would project 1.8m in width for a depth of approx. 10.3m. The proposed roof would be set 0.5m lower than the ridge height of the existing dwelling, and would pitch down to match the existing eaves height.

Location and Key Constraints

The application site hosts a two storey semi-detached dwelling located on the western side of Kent House Road.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

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
37 General Design of Development

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;

- 98/01769/FUL - Single storey rear extension - Permitted
- 18/04741/FULL6 - Single storey rear and first floor side extensions - Refused

Considerations

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

- Resubmission
- Design
- Neighbouring amenity
- CIL

Resubmission

The application is a resubmission following the refusal of application ref: 18/04741/FULL6 which sought permission for a similar proposal consisting of a single storey rear and first floor side extensions. The application was refused on the following ground;

1. *The proposal does not comply with the Council's requirement for side space to be maintained to the flank boundary in respect of two-storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the high spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan and Policy 8 of the Draft Local Plan.*

The current application seeks to overcome the previous refusal grounds by setting the first floor extension in from the flank boundary by 1m. The existing ground floor element would remain abutting the boundary.

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.

The proposed first floor extension sits on top of an existing extension and is set 1m in from the flank boundary of the site, though it would sit above the existing ground floor side element which abuts the flank boundary. The first floor side extension is set back from the front of the existing dwelling by 1.1m and would be set 0.5m lower in its ridge height than the main dwelling. The extension is therefore considered to be a subservient addition to the host dwelling, and this would mitigate any impact that may occur to the spatial standards and visual amenities of the streetscene.

Policy 8 states:

When considering applications for new residential development, including extensions, the Council will normally require the following:

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 building;

The supporting text for Policy 8 in paragraph 2.1.68 details further;

The Council consider 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.

The proposed first floor extension would provide a 1m side space and is considered to provide sufficient separation to avoid a terracing effect.

This approach is also in line with the recently allowed appeal at 104 Avalon Road, Orpington (ref: APP/G5180/D/18/3216935) where the Inspector discussed Policy 8 with a particular regard to the impact of a first floor side extension above an existing ground floor element abutting the boundary. The Inspector drew attention to the fact that Policy 8 "does refer to a gap of at least a metre 'normally' being required, which suggests that it can be applied with a degree of flexibility in appropriate circumstances. Further, the supporting text explains that 'the retention of space around residential buildings at first floor level and above is essential to ensure adequate separation'".

The houses along Kent House Road have a wide variation in their design and style and the extension would not be unduly out of character with the area. No.138 has previously been granted permission for a similar first floor side extension which is set back 1m from the flank boundary and above a ground floor element which abuts the boundary (ref:07/00841/FULL6).

It is considered that given the subservient design of the proposed side extension which is set back from the front elevation and the separation of 1m to the boundary at first floor level, the extension would not result in any significant additional harm to the visual amenities or spatial standards of the area. The extension would not result in any unrelated terracing and on balance is therefore not considered to conflict with the aims of Policy 8.

With regards to the proposed rear extension and alterations to the roof of the conservatory, these elements would remain similar to that originally proposed under the previous application ref: 18/04741/FULL6. No concerns were raised regarding these aspects of the development within the previous application.

It is considered that the rear extension and alterations to the roof of the conservatory would be fairly modest in their overall scale and bulk and that they would not harm the appearance of the host dwelling. Furthermore, given the proposed materials and their siting to the rear these alterations would not result in

any significant harm to the character of the area or visual amenities of the streetscene.

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.

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 single storey rear extension would not project beyond the rear of the existing conservatory, and the proposed first floor side extension would not project beyond the rear of the existing two storey rear part of the dwelling. As such the proposed extensions would not be highly visible from No.136. The application does include the alteration of the proposed roof to the existing conservatory, resulting in an increase in maximum height of approx. 0.2m, and an increase on the boundary of 0.6m. It is not considered that this increase in height would result in an unacceptable loss of outlook or light from this neighbour.

With regards to the impact upon the neighbouring property at No.132, the single storey rear extension would have a modest depth of 1.44m and is therefore not considered to significantly harm the amenities of this neighbour. The proposed first floor extension would result in the property projecting 1.8m closer at first floor level, though it would not project beyond the rear of the existing dwelling. Furthermore the roof of the extension would be lower than the ridge height of the main dwelling and the roof would pitch away from the boundary to partially mitigate the impact. No.132's first floor flank wall is blank aside from one window serving a bathroom, and whilst the extension would result in a degree of loss of light to this window it is considered on balance that this would not be sufficient as to warrant a refusal of the application on these grounds.

The flank wall of the proposed extension would include three windows serving a bathroom and an en-suite. The existing property already features two window serving a bathroom and whilst the extension would result in these windows being closer to the adjacent dwelling, subject to a condition to ensure that they are obscure glazed and non-opening below 1.7m it is not considered that the development would result significant opportunities for overlooking or from an unacceptable loss of privacy occurring.

Having regard to the scale and siting 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 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.

- 4 Before the development hereby permitted is first occupied the proposed window(s) in the first flank elevation 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 (s) shall subsequently be permanently retained in accordance as such.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies 6 and 37 of the Bromley Local Plan