

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

**Application No :** 19/02206/FULL6

**Ward:**  
**Bromley Common And  
Keston**

**Address :** 1 Park Cottages Westerham Road  
Keston BR2 6HG

**Objections: No**

**OS Grid Ref: E: 542055 N: 165001**

**Applicant :** Mr PAUL JACKSON

**Description of Development:**

Detached garden building to provide single person disabled accommodation.

Key designations:

Conservation Area: Bromley Hayes And Keston Commons Conservation Area:  
Keston Park  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 22  
Smoke Control SCA 14

**Proposal**

The application seeks consent for the construction of a detached outbuilding within the rear garden to be used as self-contained accommodation for a family member of 1 Park Cottages.

**Location and Key Constraints**

1 Park Cottages is a two storey, semi-detached house and it is one of a group of eight semi-detached properties dating from the 19th century, namely 1 and 2 Park Cottages and 3 to 8 Leonard Place. Those dwellings, together with 1 and 2 Leonard Place and a former public house and a small group of recently constructed dwellings fronting Croydon Road comprise the Keston Mark sub-area within the Conservation Area (CA), this being one of 16 sub-areas within the CA.

There is an existing detached garaged located to the side of the property and off-street parking. Westerham Road is classified as a London Distributor Road and the site is situated within the Bromley, Hayes and Keston Common Conservation Area.

**Summary Comments from Local Residents and Groups**

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

## **Consultee Comments**

Conservation Officer - 1 Park cottages is a balanced mid-19th Century house with some attractive detailing including corbels around the front window. It also has fine 8/8 pane sliding sash windows and marginally glazed doors on the roadside front. The proposed new detached garden building is at the back of the site and will not be seen widely in the conservation area. The materials are suitable. I consider their need be no conservation objection.

## **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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies.

The Bromley Local Plan was adopted in January 2019.

The development plan for Bromley comprises the Bromley Local Plan (2019) & the London Plan (March 2016).

The application falls to be determined in accordance with the following policies:

### London Plan Policies

Policy 7.4 Local character

Policy 7.6 Architecture

### Bromley Local Plan

Policy 6 Residential Extensions

Policy 7 Accommodation for family members

Policy 37 General Design of Development

Policy 123 Sustainable Design and Construction

## Supplementary Planning Guidance

Bromley's SPG No.1 - General Design Principles  
Bromley's SPG No.2 - Residential Design Guidance

### Planning History

89/02440/FUL Detached garage. Permission

15/03738/FULL1 The construction of a two-bedroom house with associated parking and vehicular cross over. Refused

The above application was subsequently dismissed on appeal under ref: APP/G5180/16/3146097 on the 9th August 2016.

16/05302/FULL6 - Single storey rear extension. Permission

### Considerations

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

- Principle and Design
- Neighbouring amenity
- CIL

#### Principle and Design

Policy 7 relates specifically for the provision of accommodation for family members. This states that an extension to provide space for additional family members will be expected to meet the following criteria:-

- a) the extension cannot be severed from the main dwelling-house, and
- b) is in keeping with the design and scale of the existing dwelling house, and
- c) access to the extension is provided and maintained through the original dwelling house.

The host dwelling property is a set within a residential context, which comprises two-storey detached dwellings, semi-detached properties and bungalows. The host property is one half of a semi-detached pair of cottages, of which there are 8 in total to the north. To the south is the detached bungalow known as Little Birches. The gardens for the host property, and properties to the north, are relatively long and narrow; however the host garden is wider than these neighbours. Within the immediate context the area is characterised by deep and generous rear gardens. There are examples of small timber sheds within the surrounding area but these are generally small in scale.

The proposal seeks a granny annex type of outbuilding within the rearmost section of the garden. This would include a kitchen/living area, separate bathroom/WC and bedroom. It would be completely detached from the main house but would look back onto the rear elevation of the host dwelling and garden. The proposal seeks

to provide 'single person disabled accommodation' for the applicant's disabled brother.

The applicant has provided a confidential supporting statement, which provides further supporting disability information and this is available to Members on request.

The applicant has however provided the following statement within their description of development 'The disabled user has a permanent physical disability and mental health problems and relies on the support of this brother. The garden accommodation will provide a measure of independent living, whilst still being accessible to the immediate care and support provided by his brother.'

The outbuilding would be physically separated from the main house and would provide all the facilities for independent and self-contained living. However, in this case there would be high degree of reliance on the main dwelling due to the specific circumstances.

The judge in *Uttlesford DC v SSE & White (1992)* considered that, even if the accommodation provided facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling-instead it would be a matter of fact and degree.

The host property at 1 Park Cottages is not large, and there are issues of accessibility for the intended occupant of the outbuilding. The proposed arrangement would provide a reasonable form of supporting accommodation for a dependent relative, whilst also allowing for a degree of independence and additional space, which is wheelchair accessible.

Whilst the proposal is not strictly in accordance with Policy 7 in that the outbuilding is severed and provides all the facilities for independent living, the specific set of circumstances means that there will be reliance on the main house and as such a condition could be imposed to ensure the outbuilding remains ancillary to the main house and is for the use of the intended occupant only.

In relation to the design of the scheme, the structure would be set within the rearmost section of the garden. Its size, whilst large, is not considered to be disproportionate to the site in general. It would have a flat roof which is around 3m in height and a timber clad exterior. Given the size of the site and surrounding gardens it is not considered that it would appear significantly out of character within this residential context. The Conservation officer has reviewed the application and raised no objections to the proposal, as its location would not be widely seen within the conservation area, and the materials are considered sympathetic to the garden environs. Therefore, it is considered that the proposal would not result in significant harm to the character and appearance of the area and would preserve the appearance of the CA.

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 outbuilding would be set back considerably from the rear elevations of the neighbouring properties. There is an approximately distance of 22m to the rear of Little Birches, which is bungalow located to the south, and there is around 22m to the rear of 2 Park Cottages, located to the north. Number 10 Longdon is to the rear and the distance to the rear of this property would be around 37m. The height and scale of the development is not considered to be out of keeping with the plot size and the degree of separation to the neighbours is sufficient to prevent any unacceptable loss of outlook or undue sense of enclosure. Similarly, due to the location of the development and height, it is not considered that there would be any material loss of light or overshadowing. The development would provide accommodation for one person and given the specific circumstances it would be ancillary in nature. It is not considered that one person within this outbuilding would result in significant noise or general disturbance. The building would look back onto the rear of the main dwelling, but given the height of the structure at ground floor level, and separation to neighbours it is not considered that there would be a material loss of privacy.

No objections appear to have been received from neighbouring residents. Therefore, given the above the impact on neighbouring residential amenities is considered to be acceptable.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

Conclusion

Having regard to the specific circumstances and facts of the case, it is considered that the proposal would provide a form of accommodation for relative of the main dwelling at 1 Park Cottages. Whilst severed from the house, there would be a degree dependence on the main dwelling and a condition could be imposed to ensure the outbuilding remains ancillary to the house and for the use of the intended occupant only. The impact on the character and appearance of the conservation area is considered to be acceptable and there would be no harm to neighbouring residential amenities.

**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 building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

**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** The outbuilding hereby permitted shall remain ancillary to Number 1 Park Cottages and used as living accommodation for Mr I Jackson only. At the time that Mr I Jackson vacates the annexed accommodation, the accommodation shall then only be used by Members of household occupying Number 1 Park Cottages. At no point shall the site and outbuilding be severed to form a separate self-contained unit.

**Reason:** The annexed outbuilding is required specifically for the use of a disabled family member who requires independent living but support from the primary residence of Number 1 Park Cottages. It is also to ensure the provision of a satisfactory standard of accommodation; to protect the character and appearance of the Conservation Area from an unacceptable sub-division of the plot, as well as to protect neighbouring residential amenities. Finally, it is also to comply with Policies, 6, 7, 31 and 41 of the Bromley Local Plan.