

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

Application No : 19/03082/FULL6

Ward:
Chislehurst

Address : 8 Melbury Close Chislehurst BR7 5ET

Objections: No

OS Grid Ref: E: 542476 N: 170699

Applicant : Chris Paterson

Description of Development:

Partial demolition of existing integral garage and conversion to habitable room, first floor extension with accommodation in roofspace and elevational alterations

Key Designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 10

Proposal

The proposal involves the partial demolition of the existing garage so that it would be set back 1m from the side boundary up to a depth of 3.5m from the front elevation with the remaining part of the garage would be converted to habitable accommodation and the construction of a first floor side extension which would have a width of 3.2m beyond the existing ground floor flank wall, a length of 9.8m and would have a perimeter pitched roof linking the extension to the main roof with a height of 7.7m.

The proposal would also involve an enlargement of the existing side dormer to the south roofslope increasing its width from 4.2m to 6.3m and three rooflights above. The enlarged dormer would have a flat roof matching the existing side dormer with a height of 1.4m.

Elevational alterations are proposed which would involve applying an off-white render to all external elevations to replace the existing brickwork and timber cladding finish and replacement doors and windows.

The submission was supported by the following documents:

- o 3D visuals

Location and Key Constraints

The application site hosts a detached chalet dwelling with a side garage situated on the western side of Melbury Close. The site and surrounding area is subject to a blanket TPO, BB 3 1958.

Comments from Local Residents and Groups

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

Comments from Consultees

Highways: No objections subject to a standard condition

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 in February 2019.

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). 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
32 Road Safety
37 General Design of Development
42 Development adjacent to a Conservation Area

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:

Application Number	Description	Decision
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70/00438	- Ground floor extension to form lounge with loft extension to first floor to form bedroom and additional toilets, with part roof over lounge to provide verandah.	- Permitted
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72/03652	- Two single storey extension for bedroom and enlarged garage-	Permitted
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18/04056/FULL6	- First floor side extension with elevational alterations	- Refused for the following reason:
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'The proposal does not comply with the Council's requirement for a minimum 1 metre 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 and contrary to Policy H9 of the Unitary Development Plan.'

The application was subsequently dismissed on appeal and stated the following in their appeal decision:

"Whilst the minimum one metre separation distance would be met at first floor level, the flank wall of the existing garage below is situated on the side boundary. Thus, there would not be a minimum one metre separation distance from the side boundary for the full height of the dwelling.

The adjacent property has a hipped roof at the side. There is a side gap between the side boundary and the two-storey flank wall of that dwelling. From my observations, due to the resultant separation distance and scale and design of both the proposed side extension and neighbouring dwelling, I consider that the proposal would create a cramped appearance in the streetscene. This would significantly lower the spatial separation standards that exist in this residential area. This would be to the detriment of both the character and appearance of the surrounding streetscene.

For the reasons stated above, I conclude that the proposal would have an adverse effect on the character and appearance of the surrounding streetscene. Thus, the proposal would be contrary to Local Plan Policy 8."

19/03066/FULL6 - Partial demolition of existing garage and conversion to habitable space. First floor side extension and enlargement of existing side dormer & conversion of loft to create second floor accommodation, including rear/side roof lights & elevational alterations. - Pending consideration

Considerations

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

- o Resubmission
- o Design
- o Neighbouring amenity

Resubmission

The proposal is a revised scheme following a refusal under ref. 18/04056/FULL6 for a First floor side extension with elevational alterations.

The proposed amendments to the proposal that have been made are as follows:

- Proposed partial demolition of the garage so that it would be set back 1m from the boundary for a length of 3.5m from the front elevation
- Increase in height of the first floor extension from 7.4m high to 7.7m
- Two additional rooflights would be inserted in the south flank (total of three)
- New rooflights are proposed in the rear and flank roofslopes of the first floor extension
- a new window is proposed in the existing rear gable elevation

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 BLP 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 Planning 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.

Policy 8 of the BLP requires that when considering applications for new residential development, including extensions, the Council will normally require 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 flank wall of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

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 proposal has sought to address the previous concerns in the refused application under ref. 18/04056 by demolishing part of the existing garage so that it would be set back from the side boundary for 1m for a length of 3.5m back from the main front elevation therefore appearing as a subservient and well set back element from the main front elevation. There would be sufficient space between the proposed extension and the neighbouring property to the north as there would be a 1m separation for the full height of the development towards the front of the property where it is most visible from the street scene so that it would not have a cramped appearance and would not lead to a terracing effect with the neighbouring property that would otherwise compromise the high spatial standards in the area. Given the proposal would provide a 1m separation from the flank boundary for the full height along the frontage and a full separation at first floor of 1m for the full length of the development, the proposal would prevent a cramped appearance in the street scene.

The previously refused application ref. 18/04056 was also dismissed on appeal and the Inspector stated that: 'Whilst the minimum one metre separation distance would be met at first floor level, the flank wall of the existing garage below is situated on the side boundary. Thus, there would not be a minimum one metre separation distance from the side boundary for the full height of the dwelling.' and concludes that: "This would significantly lower the spatial separation standards that exist in this residential area. This would be to the detriment of both the character and appearance of the surrounding streetscene."

This previous application involved retaining the full footprint of existing garage therefore it would continue to have been sited along the boundary for the full length of the development right up to the front elevation at ground floor. Therefore, the ground floor extension continued to appear as a prominent feature within the front elevation and therefore did not provide adequate level of separation to the side boundary. Given the separation at ground floor now proposed, the ground floor element is no longer considered to appear prominent in the street scene and in combination with the separation provided at first floor of 1m, the proposal would not impact significantly on the spatial standards of the area.

Therefore, it is considered that given the subservient design of the ground floor side element 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.

In terms of the design of the proposal, the first floor extension would have a hipped roof which pitches away from the front and side which would appear subservient to the main dwelling and would be in-keeping with the appearance of the chalet property and surrounding development. Furthermore, it would be set back from the frontage by 0.2m and the ridge height would be lower than the main ridge height although to a lesser extent than the previous proposal (ref. 18/04056) from 0.7m to 0.5m. Therefore, it is considered that it would have a subservient and sympathetic appearance to the host dwelling.

The proposed enlargement of the existing southern side dormer would be sited towards the rear of the property and would match the projection and height of the existing dormer. Therefore, it would not have a visual impact on the public parts of the road which is significantly greater than the existing dormer.

The proposal would involve applying render to all elevations of the existing dwelling and proposed extension and the existing dwelling in a combination of external brickwork and horizontal cladding. In the street scene, there are examples of render to many of the surrounding properties either in combination with brickwork or fully rendered. Therefore, the proposed materials would not appear harmfully out of character with the area.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions and alterations would complement the host property and would not appear out of character with surrounding development or the area generally.

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.

There would continue to be at least two on-site car parking spaces to the front of the property and no concerns were raised by the Highways Officer. Therefore, it is not considered that the proposal would result in a harmful impact on road safety or the current on street parking conditions.

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 neighbouring property to the north of the site, No. 6, has benefitted from a two storey rear extension and the proposed first floor extension would not project beyond the front or rear of No. 6. The proposed first floor extension would be increase in height by 0.3m from the previously refused application (ref. 18/04056) however this is not significant and the proposal would still not project significantly to the rear of this neighbouring property. There are windows in the flank elevation of No. 6, adjacent to the proposed extension, these windows serve a living room at ground floor and bedroom at first floor. These rooms are also served by windows in the front elevation therefore it is considered that the proposal would not result in a significant loss of amenity or loss of outlook, prospect or light to this neighbouring property.

The proposed window within the enlarged dormer would serve a bathroom and therefore to prevent a loss of privacy to No. 6 and No. 10, a condition could be imposed to restrict these windows to obscure glazing if permission were recommended. The proposed rooflights to the flank and rear elevations would serve the accommodation in the roofspace and would provide an outlook in particular towards the neighbouring properties therefore it is also considered that an obscure glazing condition should be imposed to prevent a harmful loss of privacy to the neighbouring property.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

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 or spatial standards 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 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** Before the development hereby permitted is first occupied the proposed window(s) first floor flank elevations and side rooflights 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 as such.

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