

SECTION '2' – Applications meriting special consideration

Application No : 19/02824/FULL6

Ward:
Plaistow And Sundridge

Address : 41 Burnt Ash Lane Bromley BR1 4DJ

Objections: Yes

OS Grid Ref: E: 540342 N: 170760

Applicant : Mr Raza

Description of Development:

Construction of single storey rear extension and raised patio area, Construction of dormers in the rear, side and front roof slopes and roof lights to front and rear to existing converted habitable loft / first floor.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 7

Update

Members will recall that the application was deferred from Plan-Sub Committee No 3 on 26th September 2019 to seek a reduction in the size of the dormers (particularly the size of the side dormers). Revised plans were received and reconsultation carried out. Accordingly, the revised plan reduces the width of the dormers and the size of the windows.

Proposal

Permission is sought for the construction of dormer windows in the rear, side and front roof slopes together with two single storey rear extensions, raised patio and insertion of new windows and rooflights.

The application is accompanied by a Planning Statement which sets out that the applicants would like to extend and maximise their property as much as practically possible to accommodate their family, living requirements and lifestyle and future needs. They are happy with the area and general character of the area and do not wish to move. The Design and Access Statement also sets out that the applicants have looked into the possibility of completely removing the existing roof and raising the external walls to create a traditional two storey house; however, due to projected costs this option is not feasible.

Location and Key Constraints

The site consists of a detached bungalow which is situated on the western side of Burnt Ash Lane, Bromley. The surrounding area is wholly residential with a pair of semi-detached properties located to the north (No.43 & 45 Burnt Ash Lane) and south (No.37 & 39) of No.41. No. 41 is the sole Bungalow which has previously been extended with its roof space converted for habitable space. A 12m deep garden is situated to the rear of the property.

There are a mixture of dwelling types and styles in the locality including two storey detached and semi-detached dwellings and single storey bungalows and many have been altered and extended.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and one letter of representation was received which can be summarised as follows:

Objection (original drawings)

- We have had numerous plans and proposals from various owners/builders over the years causing stress and affecting our privacy and other issues.
- The current proposal is to be extended on all four sides.
- We object completely to the new dormers and downstairs windows being put in on our site of the property. This will 100% affect our privacy, greatly affect the saleability of our property and would be detrimental to our property.
- We object to the roof dormers/windows on our side of the bungalow facing our property. They will completely overlook the rear of our home/living area and whole rear garden area.
- We also object to any other windows facing our side to us/rear of our property that rise on the ground floor above the fence line as any higher or closer we can already hear everything when their windows are open and we would be able to see each other.
- We would have absolutely no privacy at the rear of our home. No.41 with proposed windows our side would be able to see into every part of the rear of our home and garden.
- We had previously objected when the previous owner/builder tried to turn the bungalow into a small block of flats.
- The bungalow already extends on the ground floor way past the rear of the property almost halfway down our garden fence line as it currently stands. These new plans would take that even further down almost $\frac{3}{4}$ the length of our garden.
- At the last proposal the government inspector came round to both properties and said that the height of the bungalow (as originally stood) could not be raised in any way and the original chimney had to be kept.
- We also object to any lights on the side of our property or any that face outwards to our property

- The two building are in very close proximity and divided by only a few feet to the boundary line.

Objection (revised drawings)

- Again regards the previous application of June this year and this revised application; The Dormer - though you have asked No41 to reduce this in size it STILL hangs over my patio area and faces the back / extension of our home. Privacy is lost? Is it definitely obscure and non operable/ cannot be opened or seen through at all?
- No roof lights my side as I previously stated
- What about the party wall act being so close to my property / boundary? See government letter from last application December 2005 DC 05/01349-self explanatory.
- More windows my side facing my property on ground level along the boundary line - we also object to- our lack of privacy again as these windows are raised above the fence/ boundary line.

Comments from Consultees

None sought.

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 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
- 30 Parking

37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Planning History

Under planning application ref:- 08/00582/FULL6 planning permission was granted for an extension to the main roof to provide accommodation within and to encompass a single storey side extension.

Under planning application ref:- 07/04332/FULL6 planning permission was refused for a single storey side extension and alterations to roof including front side and rear dormers to create habitable accommodation in roof.

The reason for refusal stated:-

The proposal would, by reason of its design and bulk, be detrimental to the appearance of the host dwelling and harmful to the appearance of the street scene generally, contrary to Policies BE1 and H8 of the Unitary Development Plan.

Under planning application ref:- 07/00272/FULL Single storey side extension and alterations to front elevation with side and rear dormers (Revision to permitted application ref. 06/02811).

The reason for refusal stated:-

The proposal constitutes an overdevelopment of the site which would be harmful to the visual amenities that the occupiers of Nos. 39 and 41 Burnt Ash Lane should expect to be able to continue to enjoy by reason of visual impact and loss of prospect, contrary to Policy H8 of the Unitary Development Plan.

Under planning application ref:- 06/02811/FULL6 planning permission Single storey side extension and alterations to front elevation.

Under planning application ref:- 05/01349/FULL6 planning permission was refused on 1st July 2005 for the first floor and two storey front and side extensions with side and rear dormers to form two storey dwelling. The application was also dismissed at appeal.

The reason for refusal stated:-

The proposal constitutes an overdevelopment of the site which would be harmful to the visual amenities that the occupiers of 39 Burnt Ash Lane should expect to be able to continue to enjoy by reason of visual impact and loss of prospect, contrary to Policy H.3 of the adopted Unitary Development Plan and Policy H8 of the second deposit draft Unitary Development Plan (September 2002).

Under planning application ref:- 04/04705/FUL planning permission was refused for a two storey dwelling for the following reason:

The proposal would be detrimental to the amenities that the occupiers of 39 Burnt Ash Lane might expect to be able to continue to enjoy by reason of visual impact and loss of prospect, contrary to Policy H.3 of the adopted Unitary Development Plan and Policy H8 of the Second Deposit Draft Unitary Development Plan (September 2002).

Considerations

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

- Revised drawings
- Previous planning applications
- Design
- Neighbouring amenity

Revised drawings

The application was deferred from the last plan-sub 3 committee meeting to seek a reduction in the size of the side dormer windows. The agent supplied revised drawings on 9th October 2019 which reduced the size of the side dormer facing No.39 from 3m to 2.4m in width (a reduction of 0.6m). The height remains the same at 1.8m. The size of the proposed window in the side dormer has been made smaller. The size of the side dormer facing No.43 has also been reduced from 5.4m in width to 4.3m in width (a reduction of 1.1m). The size of the proposed windows in the side dormer has been made smaller.

Previous applications

No.41 has a long planning history with the last application (Application Ref:- 08/00582/FULL6) granted in 2008 for extension to the main roof to provide accommodation within and to encompass a single storey side extension.

Several other applications submitted between 2004-2007 for various extension to the property for dormer windows and side and rear extensions have been refused by the Council with (Application Ref:- 05/01349/FULL6) also being dismissed at appeal. The only other application which was granted was (Application ref:- 06/02811/FULL6) for a single storey side extension and alterations to front elevation.

In dismissing the 2005 planning application for the creation of a new roof structure area to accommodate new bedrooms at 1st floor level, within the roof area, providing 2 dormers to the rear and north elevations and incorporating elements of the existing structure of the bungalow the Inspector stated that the proposals would result in a square form and a building of considerable bulk which would extend very close to the side boundaries of the site, so that it would have a dominant character. The Inspector also concluded that the development would have a significant impact on the occupiers of No. 39 & 41 Burnt Ash Lane comprising their privacy, sunlight and daylight.

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 immediate area surrounding the site is characterised by detached or semi-detached two storey dwellings. Both neighbouring properties (No.39 & No.43) are two storey and to this extent the bungalow (No.41) is said to be out of character with the area although another bungalow is located on the corner of Burnt Ash Lane and Avondale Road.

The application can be broken down into the following elements:

Single storey extension(s)

The bungalow benefits from an existing conservatory located to the rear measuring 3m in depth x 4.1m in width x 3.3m in height. This is shown to be demolished and replaced with two single storey rear extensions. A search of the Council's records show no application or Certificate of Lawful Development has been submitted in respect of the conservatory, nevertheless, it has been in situ for over 4 years.

The first single storey rear extension would replace the existing conservatory and measure 3m in depth x 4.4m in width x 2.7m in height with a flat roof. The second single storey rear extension would measure 3m in depth x 5m in width x 2.7m in height with a flat roof.

The property, whilst sharing the same front building line as No.43 & 45 Burnt Ash Lane, sits approximately 5m further back in its plot than the rear building line of No.43 & 45 which would elongate the total depth of the property. As the development will be located to the rear and given the modest dimensions coupled

with the existence of the existing conservatory the two single storey rear extensions are considered to be acceptable.

Dormer windows

Dormer windows are shown to be inserted into the front, rear and flank elevations. Regard needs to be had to their design and impact to neighbouring amenity. The Council is also aware of the property's history and the insertion of dormer windows were refused back in 2005 and dismissed at appeal.

The dormer shown to the front elevation is small and would serve a landing. The two side dormers are relatively modest in terms of their design and dimensions. The dormers are canted down from the main ridge height and up from the eaves. The south facing dormer would serve a shower room and the window is shown to be obscure glazed. The north facing dormer would serve a shower room and ensuite. The rear dormer would serve two bedrooms and overlook the rear garden of the property and rear gardens of properties located in Lake Avenue.

Whilst the previous appeal Inspector dismissed the appeal for new dormer windows the current drawings show both side dormers will be obscure glazed as they serve bathrooms. Whilst both the side and rear dormers will add some bulk, scale and mass to the property, on balance, their presence is not considered overly dominant to the host dwelling nor impact detrimentally on the character of the area or street scene generally.

New windows and doors

The proposed new UPVC windows and doors would not require planning permission although consideration is given in the neighbouring amenity section below as to the impact of the new windows and doors to either neighbour.

Raised patio

The new raised patio would measure 1.2m in depth x 8.5m in width x 0.7m in height and be surrounded by balustrading. Given the patio area proposed is relatively modest in terms of depth and in light of there being an existing raised patio the new patio area is considered acceptable and would not harm the setting or character of the host dwelling.

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. This is further supported by Policy 7.6 of the London Plan.

The main impact of the development will be to the neighbouring properties No.39 and No.43 and the rear garden of properties 8 + 10 Lake Avenue.

The site's relationship with No.39 is the most awkward one in that the bungalow project's well beyond the building line of No.39. The main impact to No.39 will be the insertion of a dormer window, single storey rear extension and insertion of new windows and doors on the flank elevation. The agent has submitted revised drawings which do reduce the width of the proposed dormer and the size of the window has also been made smaller.

The single rear extensions would add development to the rear of the property. On balance given the modest dimensions the development is considered to be subservient to the main bungalow. The rear extension would only be marginally visible above the existing fence which separates the bungalow from its neighbours, however, given the proposed depth and height, on balance, it is considered this element would not have a detrimental impact on the amenities of the neighbouring occupiers by way of loss of light, sense of enclosure or loss of privacy. The new bedroom window (on the flank elevation) would be mainly obscured by the boundary fence and as such it is not considered to result in any loss of privacy to the neighbouring occupiers.

Whilst the side and rear dormers would also be visible to the occupants of neighbouring properties the dormer windows are considered to be modest in terms of their dimensions and design and all side windows have been obscure glazed to respect the privacy of neighbours and this is to be secured by condition. The rear dormer windows would overlook at an oblique angle the rear gardens of No.39 and 43 and to some extent properties in Lake Avenue but on balance the level of overlooking will be no more than that between other neighbouring properties.

The main impact to No.43 would also be the single storey rear extension, side dormer windows and new window. On balance given the modest dimensions the development is considered to be subservient to the main bungalow. The rear extension would be visible above the existing fence which separates the bungalow from its neighbours, however, given the proposed depth and height on balance it is considered this element would not have a detrimental impact on the amenities of the neighbouring occupiers by way of loss of light, sense of enclosure or loss of privacy.

The agent has submitted revised drawings which do reduce the width of the proposed dormers and the size of the side windows have also been made smaller.

Given the location of the extension(s) and the dormers and taking into account their size, scale and mass and obscure glazing there would be limited additional impact on the amenities of the adjoining property No. 39 + 43 Burnt Ash Lane.

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.

as amended by documents received on 09.10.2019

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 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.

- 3 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.

- 4 Before the development hereby permitted is first occupied the proposed window(s) in the flank elevations 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

