

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

**Application No :** 19/03247/FULL6

**Ward:**  
**Shortlands**

**Address :** 68 Bushey Way Beckenham BR3 6TD

**Objections:** Yes

**OS Grid Ref:** E: 538910 N: 167655

**Applicant :** Mr Eric Green

**Description of Development:**

The demolition of the existing attached garage and outbuildings, the construction of a two storey side extension and a part one part two storey rear extension and roof extensions with roof lights to side elevations & juliet balcony to rear. Narrow single storey side extension.

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 21

**Background**

The application is being reported to Planning Committee due to the applicant exercising their right of appeal against the Council's non-determination of the application.

The application was reported to Planning Committee on 10th October 2019. Members resolved to defer without prejudice to seek the submission of revised plans for the first floor rear extension element of the proposal to be reduced further to 2m in depth along with a reduction in the ground floor eaves height to 2.5m.

It will therefore be necessary for Members to consider whether the deferred application should be contested at Appeal or not.

The original report which recommended permission is repeated below for reference.

**Proposal**

Planning permission is sought for the demolition of the existing attached garage and outbuildings, the construction of a two storey side extension and a part one part two storey rear extension and loft conversion with roof lights to side elevations and Juliet balcony to rear.

This involves a two storey side extension that will be set in 1.1m from the side boundary to No70. The roof will be in the same hipped form to the front elevation extending from the main ridge height and incorporates a central flat crown roof at ridge height that projects to the rear forming a dormer roof extension with Juliet balcony.

The front elevation will project 1.03m at ground level. A part one and two storey extension is indicated to the rear at 5m depth to the ground floor and 2.75m depth to the first floor traversing the full width of the extended building. A narrow single storey extension is indicated at 0.3m to the flank elevation facing No66.

Materials are indicated as red multistock brickwork and dark red plain tiles to match the existing for the front elevation. Rendered walls are indicated to the extended flank and rear elevations.

The application was not supported by any additional documents.

### **Location and Key Constraints**

The site is located on the south east side of Bushey Way. In the vicinity there a number of properties which have been extended with two storey side extensions incorporating full hipped roof extensions.

The site is located in Park Langley Area of Special Residential Character.

### **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**

- Concerns expressed in terms of the depth of the rear ground and first floor elements of the scheme to neighbouring property.
- Comments made regarding the depths of extensions that adjacent property owners would be prepared to accept.
- Concerns regarding the accuracy of the distances to boundaries on the plans.

Please note the above is a summary of objections received and full text is available on the Council's website.

#### **Local Groups**

Park Langley Residents Association has commented that they consider that the scheme is not much altered from the previous one. In summary it is opined that the current proposed upper floor extension would still represent a considerable intrusive impact on the neighbours and particularly on No. 70 Bushey Way. The

proposals would result in a dominant and overbearing form of development in this Area of Special Residential Character (ARSC).

Local Councillor

Cllr Cooke has expressed the view that the changes do not do enough to address the concerns that caused the previous application to be refused and support neighbours' concerns expressed, in so far as they relate to planning matters.

### **Comments from Consultees**

No responses 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 19th February 2019. The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (January 2019). The NPPF does not change the legal status of the development plan.

### London Plan Policies

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

### Bromley Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

44 Areas of Special Residential Character

73 Development and Trees

### Supplementary Planning Guidance

SPG1 - General Design Principles

## SPG2 - Residential Design Guidance

### Planning History

00/00450/FULL1: Part one/two storey front, side and rear extensions (Rear extension reduced in depth and greater separation provided to north-eastern flank boundary). Approve 22.06.2000

02/02831/FULL1: Enlargement of roof and rear dormer extension (Amendments to scheme permitted under ref. 00/00450 granted for part one/two storey front, side and rear extensions). Refused 27.11.2002

03/00132/FULL1: Increased height of roof over extension and rear roof lights (Amendments to scheme permitted under ref. 00/00450 granted for part one/two storey front side and rear extensions). Approved 12.03.2003.

04/01923/FULL6: Part one/two storey front, side and rear extensions (amendment to scheme permitted under ref: 03/00132 to enlarge first floor accommodation at front). Approved 14.07.2004.

05/02938/FULL6: Rear basement extension. Approved 28.09.2005.

18/00848/FULL6: Two storey side extension and part one/two storey rear extension and the conversion of the main roof void into habitable rooms. Refused 16.04.2018.

The reasons for refusal stated that the proposed development by reason of its rearward depth, scale and footprint and its relationship to the existing and adjacent dwellings in this prominent location would not be compatible with the existing pattern of development of the surrounding area in terms of the rear building lines and would also result in a dominant and overbearing form of development, harmful to the character of the area and neighbouring residential amenities by way of a loss of outlook, increased sense of enclosure and overshadowing.

19/01397/FULL6 The demolition of the existing attached garage and outbuildings, the construction of a two storey side extension and a part one part two storey rear extension and loft conversion with roof lights to side elevation & Juliet balcony to rear. Refused 29.05.2019

As per the 2018 application the reasons for refusal stated that the proposed development by reason of its rearward depth, bulky rear roof extension, general scale and footprint and its relationship to the existing and adjacent dwellings in this prominent location would not be compatible with the existing pattern of development of the surrounding area in terms of the rear building lines and would also result in a dominant and overbearing form of development, harmful to the character of the area and neighbouring residential amenities by way of a loss of outlook, increased sense of enclosure and overshadowing.

## **Considerations**

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

- Resubmission
- Design and Heritage Impact
- Highways
- Neighbouring amenity
- CIL

### Resubmission

The application is a further resubmission also following further pre application advice where it was advised again that the revised depths of the rear extensions remain unacceptably deep and would appear as a dominant form of development, which would result in a loss of outlook and increased sense of enclosure. The detached nature of the properties were not considered sufficient to mitigate for the depth of the proposal and overall scale of the proposal.

The current revised scheme has reduced the parameters of the extensions further. The merits of which are discussed below.

### Design and Special Character

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.

Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy 6 of the Bromley Local Plan details that the design and layout of proposals for the alteration or enlargement of residential properties will be required to satisfy all of the following criteria: the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area; space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

Policy 9 of the Bromley Local Plan details 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 building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.

Policy 44 of the Bromley Local Plan details that the development proposed in areas designated as Areas of Special Residential Character (ASRCs) will be required to respect, enhance and strengthen their special and distinctive qualities.

The property is located on Bushey Way where there are many similarly designed properties already extended to the side. Consistent character is achieved through similar separation spaces, dwelling footprint and plot widths. The Park Langley ASRC states that the area, which comprises almost exclusively large detached two storey family houses on generous plots, is bounded by Wickham Way to the west, by Barnfield Wood Road to the south, and by Hayes Lane to the north and east. It represents a coherent, continuous and easily identifiable area, which has maintained its character and unity intact.

The addition of the two storey side extension will reduce the spatial qualities between No's 68 and 70 to some extent. However, a gap of 1.1m is indicated to remain to the boundary. Given previous historic schemes were deemed acceptable in this regard and similar spacing is evident nearby in the streetscene, no objection to the two storey side element facing the streetscene is raised. The ground floor front projection and projecting feature first floor hipped roof design will also provide interest and relief to the extended front elevation.

To the rear the revised scheme has reduced the depth of the ground floor element of the proposal to 5m and at first floor to 2.75m respectively. This is a reduction in depth from 8m and 3.6m under ref 18/00848/FULL6 and from 6.5m and 3.2m under ref 19/01367/FULL6 respectively. Although still relatively deep the ground and first floor are now considered to have a comparative depth to the rear projection elements of No66 and at the reduced depth indicated are now considered to be compatible with the existing pattern of development of the surrounding area in terms of the rear building lines where they have been extended and would not now result in a dominant and overbearing form of development, harmful to the character of the area sufficient to withhold planning permission in this basis.

A limited depth single storey side extension is indicated on the flank wall facing No66. This will marginally increase the size of the existing rear living room. At 0.3m width the extension is not considered to be overbearing to adjoining property or harm the spatial characteristics of the locality.

The roof alterations comprising pitched gradients as existing to all elevations and a small rear dormer with Juliet balcony are considered to maintain the roofscape character of the ASRC to the streetscene and as viewed to the rear of the property.

The elevation designs of the extensions are considered to be in keeping with the character of the existing building. The incorporation of matching brickwork walls and roof tiles are considered an acceptable addition in keeping and complimentary to the architectural style of the building.

### 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 Bromley Local Plan 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.

A replacement garage is proposed and a front parking area will be retained. It is not considered that the proposal would have any effect on highway safety and the proposal would not cause increased on street parking.

### Neighbouring amenity

Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.

Policy 4 of the Bromley Local Plan also 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.

In relation to neighbouring amenity the main impact would be on the immediate adjoining neighbours at No 66 & 70 Bushey Way.

No70 is located to the north of the application site. It is detached from the application property and has a regular building line set 450mm behind that of No68 with also a two storey bay window design to the rear elevation. The property has not been extended adjacent to the shared boundary. Officers have reviewed concerns raised by neighbouring property in terms of the proposed extension impacts. The ground floor extension with its 1.1m separation from the boundary will have limited direct impact to No70 in terms of light and outlook. The upper floor extension at 2.75m depth and also 1.1m separation will marginally impinge the outlook from the bay windows of No70 to the south where previously they have had a full 180 degree outlook from this window over rear gardens. It is not considered that daylighting will be reduced detrimentally to this window and the alteration to outlook is considered to be an acceptable level in a suburban environment. On balance, at the revised depth parameters proposed, a part one two two-storey rear extension and roof extension is not now considered overbearing to No70 to an extent that would warrant withholding planning permission on this basis.

No 66 is located to the south of the application property. This neighbour is detached and benefits from a part one/two storey rear extension close to the shared boundary that projects at ground and first floor beyond the existing building line of the application site existing rear building line. At the reduced extension parameters, the impact in this direction would not be dominant or overbearing.

Side roof slopes roof lights appear to be above eye line and for light ingress only and are not considered to overlook.

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application due to the extent of the additional floorspace being greater than 100m<sup>2</sup>. The relevant forms have been completed.

### **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 area of special residential 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: RESOLVE NOT TO CONTEST APPEAL**

### **Suggested 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** i) Prior to commencement of above ground works details of treatment of all parts on the site not covered by buildings shall be submitted to and approved in writing by the Local Planning Authority. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion or first occupation of the development, whichever is the sooner. Details shall include:

- 1. A scaled plan showing all existing vegetation to be retained and trees and plants to be planted which shall include use of a minimum of 30% native plant species of home grown stock (where possible) and no invasive species**

- 2. Proposed hardstanding and boundary treatment**

- 3. A schedule detailing sizes and numbers of all proposed trees/plants**

- 4. Sufficient specification to endure successful establishment and survival of new planting.**

**(ii) There shall be no excavation or raising or lowering of levels within the prescribed root protection area of retained trees unless agreed in writing by the Local Planning Authority.**

**(iii) Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced. Unless further specific permission has been given by the Local Planning Authority, replacement planting shall be in accordance with the approved details**

**Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.**

**4 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.**

**(b) The development shall be carried out in accordance with the approved details.**

**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**

**5 Before the development hereby permitted is first occupied the proposed first floor flank windows 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**

**6 A minimum side space of 1.1 metre shall be provided between the flank wall of the extension hereby permitted and the flank boundary of the property.**

**Reason: In order to comply with Policy 8 of the Bromley Local Plan and in the interest of the visual amenities of the area.**

**You are further informed that:**

**1 Before work commences on the extension hereby permitted you should satisfy yourself that the required 1 metre side space to the boundary can be achieved. Failure to comply with the Council's requirements set out in the conditions above may result in enforcement action being authorised.**

**2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**