

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

Application No : 19/05103/FULL6

Ward:
Shortlands

Address : 23 Bushey Way, Beckenham BR3 6TA **Objections:** Yes

OS Grid Ref: E: 538671 N: 167526

Applicant : Mr And Mrs Travis

Description of Development:

Part one/two storey side/rear extension

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Open Space Deficiency
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

The application seeks planning permission for a single storey side and part one/two storey rear extension.

A single storey structure is proposed to the side of the host dwelling and the proposed two storey rear extension. This element of the proposed will have a total depth of approximately 8.4m and width of 2.1m. The extension will measure approximately 3.6m in height at its maximum, pitching down to 2.7m.

The proposed part one/two storey rear extension will extend approximately 0.6m in depth at a width of 3.3m before increasing to a width of 9.0m for a further depth of 3.2m. The single storey element to the rear will measure approximately 2.7m in height with a roof lantern that projects 0.5m from the flat roof. The two storey element will measure approximately 6.5m in height, pitching down to 5.3m.

Location and Key Constraints

The application site comprises a two storey semi-detached dwellinghouse located on the northern side of Bushey Way, Beckenham. The property is not listed and is located within the Park Langley Area of Special Residential Character (ASRC).

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- The extension is out of proportion adding a third double bedroom and increasing the ground floor by over 75%.
- Privacy has already been reduced due to previous infill development at the rear.
- Subsequent to the previously refused application the garden has been further reduced by the addition of a single storey building.
- The development will reduce the light, particularly in the mornings, to the back on my property.
- The windows will be looking directly into my garden.
- From my bedroom and ground floor I will be looking at a brick/pebbledash wall.
- Permission has not been sought for the demolition of the garage. Demolition of the garage would affect the boundary with No.25.
- Applications 19/03095/FULL6 and 18/02959/FULL6 were refused for the demolition of a garage in an ASRC.
- The rear extension abuts and extends beyond my conservatory. This was refused in November 2018 and in previous applications.
- The last appeal refusal is still relevant to the current application.
- The roof plan of the extension calls for a second storey at the back of No.12. No second storey was allowed at the back of No.21 when I put in my application.
- The design is contrary to the spatial standards of the Park Langley ASRC.
- I wish to express very grave concerns that the proposal will significantly reduce the daylight and sunlight into my ground floor rear extension.
- From 11am in the morning until sunset the proposal will significantly overshadow my rear garden private amenity, leaving areas in permanent shadow.
- The easement rights of light apply where light has been received for at least 20 years and these properties have been built circa 1930.
- I request the Authority require the applicants to commission a daylight sunlight study and report. Without which the Council cannot be in a position to determine the application in accordance with the NPPF or planning policy.
- The extension will be only 1800mm from the boundary, greatly reducing light to the ground floor rooms.
- The rear part one/two storey extension is to be increased from the previously submitted plans.
- The plans would afford a future loft conversion which has already been refused.
- The foundations would need to be sufficient to accommodate the rear extension affording sufficient foundations for a two storey rear and side in the future.
- The plans will result in us being overlooked into my dining room, kitchen and garden.
- The proximity of the side extension would result in a cramped appearance, harmful to the spatial standards and visual amenity.
- The extension is disproportionate to the existing size and dimension of the property and excessively large.

- The design will distort the overall balance of the current semi-detached building to the detriment of the streetscape in this corner of Park Langley.

Local Groups (Park Langley Residents Association)

- The current plans are still contrary to the special standards of the Park Langley ASRC due to their scale and bulk.
- We estimate that the development would increase the existing area by some 75% and as such would unbalance the pair of semi-detached houses.
- We are concerned that the development would lead to a loss of light to neighbouring properties.
- The privacy of neighbours would be substantially reduced by the positioning of the windows coupled with the tree removal and erection of a building at the rear.
- The plans include the demolition of the existing garage but not the measures to maintain the physical boundary with No.25.

Please note that the above is a summary of the representations received and that the full text can be found on the Council's website.

Comments from Consultees

Highways: No technical highways objections.

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 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where

recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan, and the London Assembly can veto the plan. These factors affect the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

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

London Plan Policies

6.13 Parking
7.4 Local Character
7.6 Architecture

Bromley Local Plan

6 Residential Extensions
8 Side Space
30 Parking
37 General Design of Development
44 Areas of Special Residential Character

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

11/02956/FULL6 - Part one/two storey side/rear extension including front dormer and side dormer extension to existing roof slope - Application Refused/Appeal Dismissed.

12/01889/FULL6 - Part one/two storey side/rear extension - Application Permitted.

18/03625/FULL6 - Demolition of existing garage, part one/ two storey rear and two storey side extensions, roof alterations to incorporate rear dormer with Juliet balcony and elevational alterations - Application Refused.

18/04977/FULL6 - Single storey and part two storey rear extension, two storey side extension and loft conversion - Application Refused.

19/00406/FULL6 - 2.24m high garden fence - Application Permitted.

19/01753/FULL6 - Part one/two storey side/rear extension - Application Refused/Appeal Dismissed.

Reason for Refusal:

1. The proposed two storey rear and side extension by reason of its scale and bulk would unbalance the pair of semi-detached dwellings and would cause significant harm to the character of the Park Langley Area of Special Residential Character, appearance of the host dwelling and the visual amenities of the streetscene contrary to Policies 6, 8, 37 and 44 of the Bromley Local Plan.

Considerations

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

- Resubmission
- Design
- Neighbouring Amenity
- Highways

Resubmission

The application is a resubmission of reference 19/01753/FULL6 which was refused for the reason set out above and subsequently dismissed at appeal. Under the current application the two storey side extension has been reduced to single storey with a greater set back from the front elevation. The part one/two storey rear extension has been reduced from approximately 4.0m to 3.3m. In addition a pitched roof is proposed to the two storey element and the Juliet balcony has been removed.

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.

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.

Bushey Way is situated within the Park Langley ASRC and is described within the Bromley Local Plan as a coherent, continuous and easily identifiable area which has maintained its character and unity intact.

The single storey side extension will be set back approximately 4.6m from the front elevation of the host dwelling, retaining a separation distance of approximately 16m from the public highway. This element of the proposed will require the removal of the detached garage and will maintain a separation distance of approximately 1.8m to the boundary with No.25. The size, scale and bulk of the side extension would not significantly alter the appearance of the host dwelling. The depth and height of the extension would be subservient to the main dwelling and would not overdevelop the site as a whole. It is considered that the separation distance to the boundary with No.25, coupled with the height and positioning of the extension, would be respectful of the higher standards of separation that exist along Bushey Way and would not reduce the sense of openness that is a key characteristic of the ASRC. It is proposed for the extension to be rendered and while this will not match the external finish of host dwelling it is considered that it would be complementary and compatible with the application site and developments in the surrounding area.

In the appeal decision for the previous application the Inspector set out that the form of the host dwellings roof, with its long sloping detail, was a unifying characteristic of the property. The proposed additions to the roof and side were found to remove this detail which would have detracted from the appearance of the semi-detached pair. The current proposal retains the roof profile and extends the property to the side at single storey only. It is therefore considered that this element of the proposed would not have a detrimental impact on the pair of semi-detached dwellings. Taking into account the height and depth of the extension, along with the proposed materials, it is not considered that this element of the proposed would have a detrimental impact on the host dwelling, character of the ASRC or the streetscene in general.

The two storey element of the rear extension would be set down from the main ridge by approximately 0.4m and will pitch in from the sides and rear which would work to reduce its overall bulk. The part one/two storey rear extension would retain a minimum separation distance of approximately 20m from its rearmost wall to the rear boundary of the site and approximately 17m to the existing outbuilding. The size, scale and bulk of the rear extensions would not significantly alter the appearance of the host dwelling. The depth and height of the extensions would be subservient to the main dwelling and not overdevelop the site as a whole. It is proposed for the extension to be rendered and while this will not match the external

finish of host dwelling it is considered that it would be complementary and compatible with the application site and developments in the surrounding area.

The two storey element of the proposed would be visible from Overhill Way due to the positioning of the dwelling. In the appeal decision for the previous application the Inspector stated that 'the scale, mass and design of the rear flat roofed addition would be at odds with the attractive pitched roof detail of the existing and surrounding buildings and would be a discordant feature which would detract from the area's prevailing character'. This element of the development has been reduced in width and a pitched roof is now proposed. Following these amendments it is considered that the development is sympathetic in design to the host dwelling and in keeping with the character of the surrounding area. It is also noted that the design of the two storey element would be similar to the extensions at Nos. 9 and 27. Taking into account the height, depth and design of the part one/two storey rear extension, along with the proposed materials, it is not considered that this element of the proposed would have a detrimental impact on the host dwelling, character of the ASRC or the streetscene in general.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions would complement the host property and would not result in a detrimental impact upon the spatial standards and visual amenity of the area.

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 single storey side extension will project along the shared boundary with No.25 retaining a separation distance of approximately 1.8m. As noted above the extension would result in the removal of the detached garage which would work to provide a greater sense of openness. Taking into account the height and depth of the extension, along with the separation distance to the boundary, it is considered that any impact this element of the proposed may have on the amenity of neighbouring occupiers would not be adverse enough to warrant a refusal of the application.

The proposed single storey rear extension will project along the shared boundary with No.21 and proposes a parapet wall which will measure approximately 3.0m in height. This neighbouring property currently benefits from a single storey rear conservatory which measures approximately 3.5m in depth and has a dividing wall to reduce overlooking. The proposed would extend a further 0.3m past the neighbouring extension which will help mitigate any potential impact the proposed may have on this neighbour. Taking into account the neighbouring extension, height and depth of the proposed and orientation of the properties, it is not considered that the single storey rear extension would result in overshadowing, loss of light or an overbearing impact to neighbouring occupiers.

The two storey rear extension would sit approximately 3.5m from the boundary with No.25 and 3.4m from the boundary with No.21. Concerns have been raised regarding overshadowing, overbearing impact and loss of light. Taking into account the separation distance to the boundaries either side, along with the positioning of the development, it is considered that any impact this element of the proposed may have on neighbouring properties would not be adverse enough to warrant a refusal of the application.

Concerns have also been raised regarding loss of privacy and overlooking. Taking into account the size and positioning of the ground floor windows it is not considered that there would be a loss of privacy to neighbouring properties. The addition of a window to the rear elevation of the extension would not result in any significant loss of privacy to neighbouring properties over and above that which already exists at first floor level. There would be a reduction in the number of windows to the first floor flank elevation and the existing bathroom window would continue serving a bathroom.

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

Representations have been received raising concerns about potential future development, right to light impact and boundary issues. Each application is assessed on its own merits and consideration has been given to the proposal as submitted. The concerns regarding right to light and boundary issues, while important, fall outside the planning decision making process and would be addressed under building control regulations or as a civil matter.

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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.

The proposed development requires the demolition of the garage which will result in the loss of one parking space. There are spaces available within the sites curtilage which would be utilised for parking and based on the information submitted the Council's Highways Officer has raised no objection. Therefore, on balance, it is not considered that there would be any adverse impact on parking. The Council's Highways Officer has requested that prior to commencement of the use the parking shall be implemented in accordance with the permission and that no permitted development shall be carried out on the land so as to preclude vehicular access to the land. It is considered that in this instance the removal of the

permitted development rights through this condition would not meet the 6 tests required by paragraph 55 of the NPPF.

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 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.