Committee Date	14.05.2020	
Address	53 High Street Penge London SE20 7HW	
Application Number	19/05131/FULL1	**Officer** - Louisa Bruce
Ward	Penge And Cator	
Proposal	Demolition of rear 'outrigger' extension, construction of three storey rear extension with dormer above and conversion of building from two flats above ground floor to 2 one bedroom studio flats and 2 x two bedroom flats with enlarged ground floor premises.	

Applicant Mr B Hoffman	**Agent** Mr Tim Cropper
c/o Agent	Workplace 4th Floor Churchgate House 56 Oxford Street MANCHESTER M1 6EU

Reason for referral to committee	Previous PSC	**Councillor call in** No

RECOMMENDATION	Application Permitted

KEY DESIGNATIONS

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 1

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	2	2			
Affordable (shared ownership)					
Affordable (social rent)					
Total	2	2			

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	0	0
Disabled car spaces			
Cycle			

Electric car charging points	Percentage or number out of total spaces

Representation summary	Letters sent locally
Total number of responses	2
Number in support	
Number of objections	2

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The development would not adversely affect the amenities of neighbouring residential properties

2 LOCATION

2.1 The property is situated on the northern side of the High Street and forms part of a terrace comprising a mixture of commercial uses at ground floor with residential above (2 x 2 bedroom flats). The rear of the site is not visible from street level. There is an enclosed yard to the rear of the property.

2.2 The site is an existing three storey property with additional floorspace at roof level. It accommodates a café at ground floor and 2 x self-contained flats on the first and second floors. The surrounding area comprises a mixture of other commercial units on the ground floor with residential development above.

Aerial photograph of the rear of the site (No.53) and the wider terrace (No.51) and (No.47).

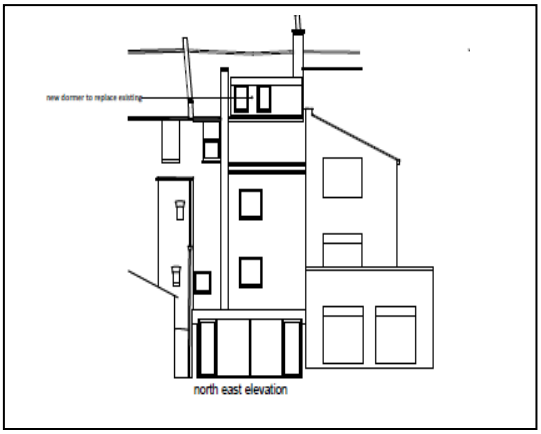
2.3 The application site sits between No.51 High Street (three storey property and three storey extension to the east), No. 55 (three storey property with a single storey rear extension to the west) and No.2a Kingswood Road (two storey residential building to the south).

3 PROPOSAL

3.1 Planning permission is sought for demolition of an existing rear outrigger extension and construction of a new three storey (plus dormer) rear extension together with internal conversion to create 2 x one bed studio apartments and 2 x two bed apartments at No 53 High Street.

3.2 The application is accompanied by a Planning Statement and a Design and Access Statement and a Transport Statement.

3.3 The ground rear extension measures between 7.5m (closest to the boundary with No.51) and 13.5m (closest to the boundary with No.55) in depth on the ground floor x 5.3m in width. The first and second floor rear extensions measure 8.5m in depth x 3.8m in width. The rear dormer measures 2.8m in depth x 3.8m in width.



4 RELEVANT PLANNING HISTORY

4.1 The relevant planning history relating to the application site is summarised as follows:

4.2 Under planning application ref: 17/04841/FULL1 planning permission was refused for demolition of rear 'outrigger' extension, construction of new four storey rear extension and conversion of building from two flats to 2 x 2 bedroom flats and 2 x 1 bedroom flats. The scheme was refused by the Council on 5th July 2018 for the following reason:

> *The proposed four storey rear extension, by reason of its scale and bulk and proximity to the rear boundary and above the height of the existing eaves which would result in a cramped form of development, which if permitted would be detrimental to the character and appearance of the area and be considered an oppressive form of development for future occupiers of the development contrary to Policies H8 and BE1 of the Unitary Development Plan.*

4.3 The above mentioned application was also dismissed at appeal on 20th May 2019.

4.4 Under planning application ref: 03/04137/VAR permission was granted for continued use of snack bar (Class A3) including retention of ventilation system at rear (variation of condition 3 of permission 00/03252).

4.5 Under planning application ref:- 00/03252/FULL2 planning permission was granted for change of use from estate agents (Class A2) to snack bar (Class A3).

4.6 Under planning application ref:- 87/02681/FUL planning permission was granted for change of use of ground floor from office to estate agents.

4.7 Under planning application ref:- 84/01490/FUL planning permission was granted for a change of use from printers to restaurant.

4.8 Under planning application ref:- 84/00462/EUC a certificate of lawful development was granted for use of ground floor as offices and storeroom and upper floors as residential accommodation.

Other relevant planning histories

No.51 High St

4.9 Under planning application ref:- 16/04988/FULL1 planning permission was granted for a single storey rear extension with part two/three storey rear external alterations including partial demolition.

No.2A Kingswood Rd

4.10 Under planning application ref:- 13/04218/FULL1 planning permission was granted for demolition of existing industrial building and ancillary offices and erection of a two storey building providing four 2 bedroom flats with associated landscaping, parking, cycle and bin storage.

5 CONSULTATION SUMMARY

A) Statutory

Highways – No objection

The site is located on the A234 High Street, Penge between its junctions with
Kingswood Road and Mosslea Road.

The site is located in an area with PTAL rate of 4 on a scale of 0 - 6, where 6b is the most accessible.

The proposed development will see the conversion and extension of the existing two flats and rear of the retail unit to provide four flats, consisting of two one-bedroom and two two-bedroom flats. The proposed development is not being provided with any off-street parking opportunities.

Parking Survey Inventory

The survey area has been split into individual streets or sections of streets comprising the following:

• Avington Grove;
• Crampton Road;
• High Street;
• Kingswood Road;
• Montrave Road;
• Mosslea Road;
• Oakfield Road;
• St. Johns Road

The overnight surveys were undertaken on Wednesday 13th and Thursday

14th September 2017 at 0030 respectively Therefore on balance I raise no objection to the proposal.

The Average Overnight Parking Stress indicates that 85% of the area is parked up with some spare capacity on single yellow line. As the development is for 2 additional units However in order to reduce pressure on the existing parking demand in the area, future residents of the development should not be eligible to apply for parking permits..

No objection in principle; please include the following with any permission:
AG12 (Cycle parking)
OC10 (the agreement to include restrictions on eligibility of future occupiers of the units to apply to the Council for Residents Parking Permit).

<u>TfL – No objection</u>

High Street Penge forms part of the Strategic Road Network (SRN) for which TfL is the traffic authority. TfL may therefore be concerned about any impact on the performance or safety of the SRN, particularly any impact on bus routes.

Having assessed the proposals, I can confirm that TfL has no comments to make on this planning application regarding strategic transport issues. If the development is permitted I recommend the developer is reminded of the following:

> *The footway and carriageway must not be blocked during the development. All vehicles associated with the development must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.*

B) Local Groups

No objection letters received from local groups.

C) Adjoining Occupiers

Overlooking and loss of privacy (addressed in para 7.6)

- I wish to object in the strongest possible terms to yet another application that will
  encroach on our garden and block out our daylight. It is completely inappropriate to build a three storey extension on that site. We have already had a significant amount of our daylight blocked by the dismal and over height block of flats that have been built at the bottom of our garden – this would be adding more insult to that injury. This area is already overbuilt - the last thing it needs is yet another block of flats to be squeezed in.

- This is a residential area surrounded by gardens, a three storey extension would not only be an
  eyesore but would block out light substantially and be looming over the surrounding gardens which I feel is unfair and infringing on a reasonable desire for privacy and a feeling of space.

6 POLICIES AND GUIDANCE

6.1 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.

6.2 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.

6.3 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.

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

6.5 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.

6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan

6.7 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects 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.

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

6.9 **National Policy Framework 2019**

6.10 **The London Plan**

6.13 Parking
7.4 Local character
7.5 Public realm
7.6 Architecture

6.11 **Draft London Plan**

D1 London's form and characteristics
D4 Delivering good design
D5 Inclusive design

6.12 **Bromley Local Plan 2019**

6 Residential Extensions
30 Parking
37 General Design of Development

6.13 **Bromley Supplementary Guidance**

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Resubmission

7.1.1 This application follows the refusal of planning permission application ref. 17/04841/FULL1 which was refused planning permission on 18th October 2017. The sole reason for refusal read as follows:

The proposed four storey rear extension by reason of its scale and bulk and proximity to the rear boundary and above the height of the existing eaves which would result in a cramped form of development, which if permitted would be detrimental to the character and appearance of the area and be considered an oppressive form of development for future occupiers of the development contrary to Policies H8, and BE1 of the Unitary Development Plan.

7.1.2 The application was also dismissed at appeal on 20th May 2019 with the Planning Inspector stating that the extension would be big and bulky, incongruent, out of proportion, cramped and at odds with the form of the host property and character and appearance of the surrounding area.

7.1.3 The key changes are as follows:

- Overall bulk and scale have been reduced at first, second and third floors
- First and second floor extensions reduced by 1 metre

- Roof level reduced by 4.8 metres in depth

7.2 Principle

7.2.1 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

7.2.2 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.2.3 This application includes the provision of 2 dwellings, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

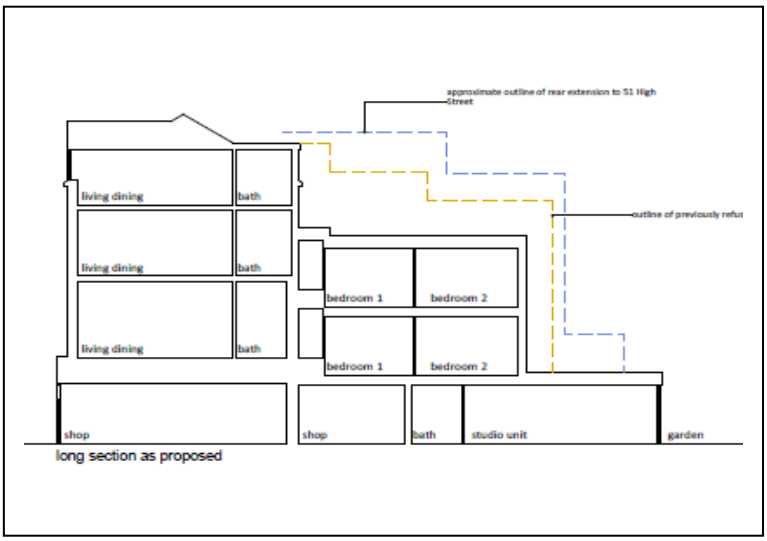
7.3 Design – Layout, scale – Acceptable

7.3.1 Following the refusal of the previous application and dismissed appeal the agent has revised the proposal with the rear projection of the proposed first and second floor extensions reduced by 1m and at roof level by 4.8 metres, which reduces the dominance of the extension.

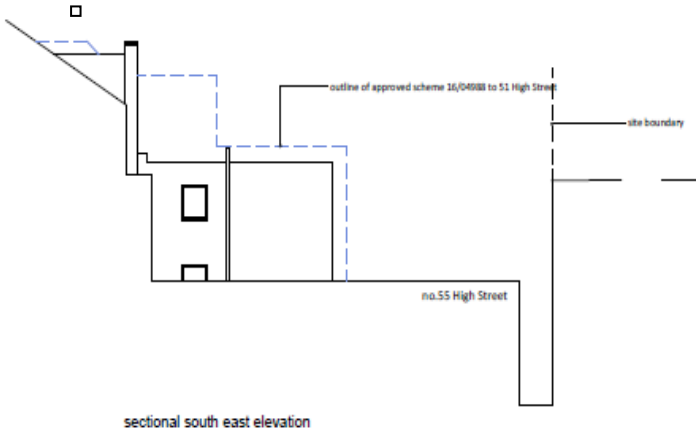
7.3.2 There are several examples of rear extensions of varying scale that have been previously approved by the Council namely; No.47 and No.51. An aerial photograph, contained in the location section of this report illustrates there is no uniform visual character to the rear. No. 47 High Street, has been extended in a similar manner to the proposal at No.53 under application ref: 13/01358/FULL1 which was approved in May 2014. No.51 was extended to the

rear following the approval of planning permission ref: 16/04988/FULL1 in 2016. No.51 represents a slight anomaly because the two/three storey rear external alterations were not built in accordance with the approved plans and is higher and bulkier than was approved. A planning application is currently pending consideration under planning application ref: 18/04221/FULL1 to regularise the additional development which includes balconies.

7.3.3 When considered in proposal in the context of what has been built at No.51 it is not considered that it would be significantly more harmful in terms of visual bulk, height and scale. The agent has provided sectional drawings which illustrates the proposal in the context of what has been 'built' and what was 'approved' at No.51. Drawing No. 17-1263-21B (sectional south east elevation) illustrates the outline of what has been built at No.51 which is noticeably bigger than that approved as illustrated on Drawing No.17-1263-21A (sectional south east elevation). The comparison also demonstrates that the current proposal at No.53 has been reduced in scale and bulk when compared to the previous application.



(Drawing No. 17-1263-22B)



(Drawing No. 17-1263-21A)

7.3.4 The proposed extension would abut the common boundary with No 51 High Street and the ground floor of No.55. No.55 has an existing single storey rear extension which abuts the shared boundary. The first and second floors would be set in from the boundary with No.55 by 2m which allows a degree of separation between the two properties. The ground floor would extend approximately 4m beyond the ground floor of No.51. At first, second and roof level the extension would extend to a lesser depth than what has been built out at No.51. The proposed rear dormer would extend up above the eaves level of the property, however, as illustrated on the existing drawings a smaller dormer extension currently already exists.

7.3.5 The extension would be built in matching materials and include a new extraction flue to serve the café; this would extend up the rear elevation of the main building and terminate just above the rear dormer extension.

7.3.6 Overall, whilst the proposal would still add additional bulk and scale to the rear of the property, however, giving the reductions which have been made to the upper floors and the roof extensions and in the context of the surrounding development the proposal may be considered an acceptable addition to the property that would not look out of keeping to the rear of this row of terrace properties or harm the character and appearance of the area.

7.3.7 On balance the design is not considered to harm to the character and appearance of the area given the fact that other extensions have already been built (No.47 & No.51) and no one extension is uniform in design terms. The proposal would provide two additional studio flats as well as two enlarged 2 x 2 bedroom flats which all achieve a good standard of accommodation. The development would also comply with Local Plan parking standards and no harm has identified in respect of the highway. Finally, the development would not result in harm to neighbouring residential amenities and is within a good

distance to Penge District Centre. In respect of the Council's 5 year housing land supply and the Inspectors conclusions surrounding the recent appeal outlined within the 'principle' section above, paragraph 11d (ii) of the Framework would be applicable. In this case, whilst a modest degree of harm has been found in respect of the character and appearance of the area, the harm identified is not considered to significantly and demonstrably outweigh the benefits of the development. Therefore, in the planning balance the proposal is considered to be acceptable.

7.4 Residential Amenity – Acceptable

7.4.1 Based on the floorplan submitted the layout of each of the flats appears broadly acceptable. The London Plan requires that the gross internal area (GIA) of a studio flat is 37sqm, a one bedroom 2 person flat 50sqm and a two bedroom 3 person flat 61sqm.

Flat 1 – Studio - (Ground floor): 42sqm
Flat 2 - Two bedroom flat - (First floor): 65sqm
Flat 3 - Two bedroom flat - (Second floor): 70sqm
Flat 4 - Studio - (Roof): 40sqm

7.4.2 Based on the floorspace figures above the flats would meet the required London Plan floorspace requirements.

7.4.3 Flat 1 provides approximately 18sqm of amenity space. The three upper floor flats are not afforded any outdoor amenity space. The two existing flats located on the upper floors) do not provide any amenity space however, the site lies within 250m of Crystal Place Park and this provision was considered acceptable by the Planning Inspector when considering the previous application.

7.5 Highways – Acceptable

7.5.1 In relation to parking and highway, the site is located within a high PTAL area and no objections have been received from the Council's highways officer. The site lies within close proximity to Penge East & West train stations and Penge High Street which has several bus routes.

7.5.2 Paragraph 206 of the NPPF states Planning conditions should only be imposed where they are:

1. necessary;
2. relevant to planning and;
3. to the development to be permitted;
4. enforceable;

5. precise and;

7.5.3 The Highways Officer has requested a non-standard condition - offering the first resident a 2yr annual membership of a local car club. It is considered that it would not meet the tests as stated above and has therefore not been included in the list of conditions, in this form.

7.5.4 In relation to parking and highway, the site is located within a high PTAL area and no objections have been received from the Council's highways officer.

7.6 Neighbouring Amenity

7.6.1 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.

7.6.2 The main impact of the proposal would be on the immediate neighbours; No.51 and No.55 as well as 2a Kingswood Road and Stoneleigh House (Mosslea Road). No.51 already has an existing three/four storey rear extension. The proposed ground floor ‘studio flat’ would be approximately 4m deeper than what has been built at No.51 and will cause some visual impact for the occupiers of No.51. No.55 has an existing ground floor rear extension which already abuts the shared boundary. The first and second floor rear extensions will be deeper than the existing by approximately 3m but a 2m gap will be left so a degree of separation will be maintained. Windows are shown in the first and second floor elevations. No.53 already has windows located in the flank elevations so the windows in the flank elevation would not cause any new overlooking or loss of privacy.

7.6.3 The first and second floor rear extensions will face the residential development at No.2a Kingswood Road built under planning application ref: - 13/04218/FULL1. Two high level windows have been built in this elevation but as shown on the approved drawings these windows are obscure glazed. The relationship between No.2a and No.53 will result in the development at No.53 being located approximately 8m from 2a Kingswood Road, given the context of this urban site and the neighbouring development at No.51 the proposal is considered acceptable.

7.6.4 The first floor side and rear windows to the first and second floors will overlook the rear of Stoneleigh and other residential garden in Mosslea Road. Officers carried out a site visit of the first and second floors of No.53 to observe the extent of overlooking. The windows in the rear elevations would overlook the roof of 2a Kingswood Road and the rear gardens of Stoneleigh and Mosslea Road. The new windows would cause a degree of overlooking and loss of privacy at an oblique angle but in the context of there being rear windows in No.51 this is not considered sufficient to warrant the refusal of the application.

8 CONCLUSION

8.1.1 Having regard to the above, the development in the manner proposed is acceptable in that it would preserve the character and appearance of the area and not harm the amenities of neighbouring residential properties. Additionally, the provision of two new dwellings would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.

8.1.2 Conditions are recommended to secure the development which are set out below in this report.

RECOMMENDATION: Application Permitted

Subject to the following conditions:

1. Standard time limit of 3 years
2. Standard compliance with approved plans
3. Matching materials
4. Cycle parking
5. Refuse
6. Construction Management Plan

Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives

1. Consult street name and numbering.

2. CIL Informative.

3. The footway and carriageway must not be blocked during the development. All vehicles associated with the development must only park / stop at permitted locations and within the time periods permitted by existing on-street restrictions.