

<b>Committee Date</b>	26.11.20	
<b>Address</b>	Flat C Mayfield 4 Kingswood Road Shortlands	
<b>Application Number</b>	20/03779/FULL1	<b>Officer</b> - Joanna Wu
<b>Ward</b>	Shortlands	
<b>Proposal</b>	Roof terrace on an existing flat roof with privacy screening	
<b>Applicant</b>	<b>Agent</b>  Mr Jonathan Reich	
Flat C Mayfield 4 Kingswood Road Shortlands Bromley BR2 0HQ	Progetto Mayfield Lodge 4 Kingswood Road London BR2 0HQ United Kingdom	
<b>Reason for referral to committee</b>	Call-in	<b>Councillor call in</b>  Yes

RECOMMENDATION	PERMISSION
Site notice required:  Yes	Date displayed: 01.11.20

KEY DESIGNATIONS
Conservation Area: Shortlands Adjacent - Conservation Area Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control

<b>Representation summary</b>	Neighbouring properties were notified of the application by letter dated 26.10.20
Total number of responses	3
Number in support	3
Number of objections	0

## SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area.
- The neighbouring amenity impact of this proposal would be limited.
- The proposal would not detract from the character of the Shortlands Conservation Area.

### 1. LOCATION

- 1.1 The application site is a three-storey detached property, located on the north-west side of Kingswood Road. It is located within the Shortlands Conservation Area but is not listed. The surrounding area is largely residential comprising a mix of flats and single family dwellinghouses.

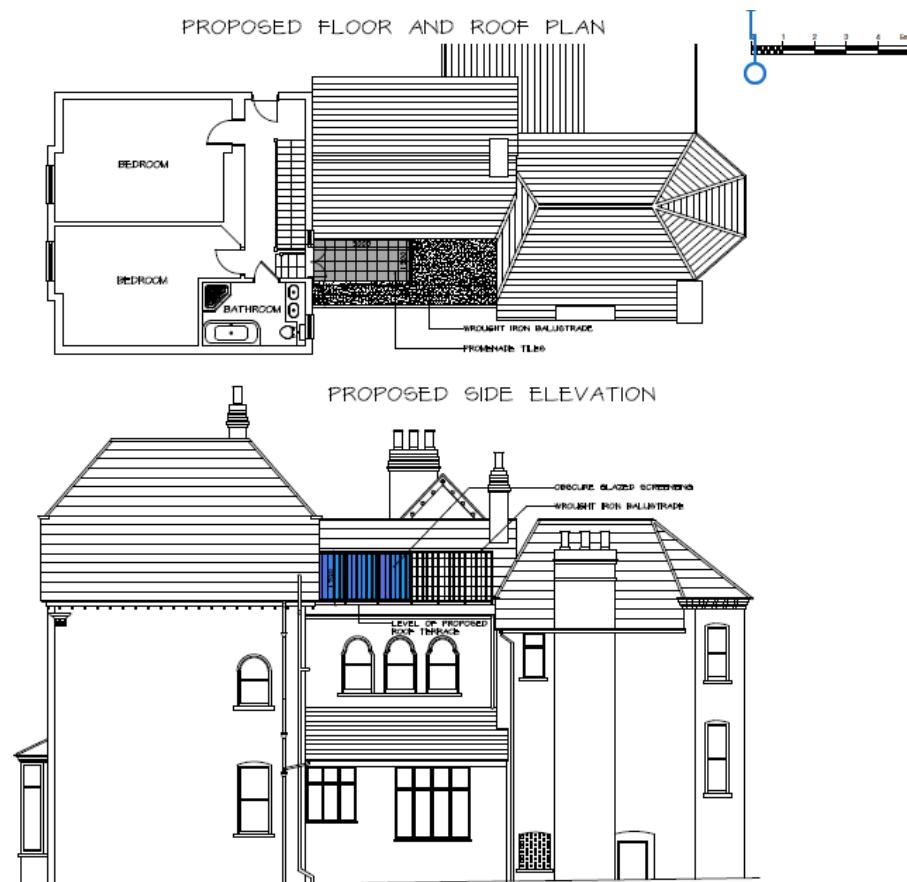


### 2 PROPOSAL

- 2.1 The proposal includes a roof terrace on the south-west elevation, measuring 3m wide and 1.3m deep (a total additional floorspace of

3.9m<sup>2</sup>). There would be a wrought iron railing with a total height of 1.7m around the edge of the terrace and 1.7m obscure glazed screening with a width of some 3m.

There is an existing set of French doors on the second floor that would provide access to the roof terrace.



### 3 RELEVANT PLANNING HISTORY

- 3.1 The relevant planning history relating to the application site is summarised as follows:
- 00/00367/TREE - Remove one crab apple (rear garden) TREES IN CONSERVATION AREA - (No objection) 06.03.2000
  - 97/02323/TFL - Intention to remove one Horse Chestnut and reduce the crown of one Ash Tree by 30% TREES IN CONSERVATION AREA - (Permitted) 13.10.1997
  - 98/01251/TFL - Intention to remove one Horse Chestnut TREES IN CONSERVATION AREA - (Permitted) 05.06.1998
  - 07/04022/TREE - Intention to lift lower canopy to 5 metres above

ground level, crown thin by 25% and cut back branches from roof of 1 ash tree and fell 1 cherry, both on right hand boundary of rear garden  
TREES IN CONSERVATION AREA - (No objection) 07.12.2007

- 20/02090/FULL1 – Formation of a roof terrace on an existing flat roof – 03.08.2020 (Refused – Appeal in progress)

## 4 CONSULTATION SUMMARY

### A) Statutory

Conservation Officer: No objection in principle as this proposal will not be widely seen in the Conservation Area. Details of the obscure glazing screens should be submitted and considered by the Council.

### B) Local Groups

No local groups were commented to the application.

### C) Adjoining Occupiers

#### Supports

- Mayfield House Residents Ltd – in support;
- No objection and fully support this application;
- The applicant has discussed the work with all residents of Mayfield House in a lot of detail;
- The work will be in keeping with the property.

## 5 POLICIES AND GUIDANCE

- 5.1 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.
- 5.2 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.
- 5.3 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.

- 5.4 The ‘Intend to Publish’ version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
- 5.5 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 5.6 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.
- 5.7 After considering the ‘Intend to Publish’ Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.
- 5.8 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. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.
- 5.9 The application fails to be determined in accordance with the following policies:-
- 5.10 National Planning Policy Framework 2019
- 5.11 The London Plan
- 7.4 Local character  
7.6 Architecture  
7.8 Heritage assets and archaeology

## 5.12 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design
- HC1 Heritage conservation and growth

## 5.13 Bromley Local Plan 2019

- 6 Residential Extensions
- 37 General Design of Development
- 41 Conservation Areas

## 5.14. Bromley Supplementary Guidance

- Supplementary Planning Guidance 1 - General Design Principles
- Supplementary Planning Guidance 2 Residential Design Guidance
- Shortlands Conservation Area Supplementary Planning Guidance

## **6 ASSESSMENT**

### 6.1 Resubmission

- 6.1.1 A similar proposal (planning ref: 20/02090/FULL1) was refused for the following reason:

“The proposed roof terrace which due to its size and siting has a detrimental impact on the amenities that the occupants of neighbouring residential properties might reasonably expect to continue to enjoy, resulting loss of privacy and unacceptable in noise and disturbance and associated with the use of the roof terrace, thereby contrary to Policies 6 and 37 of the Bromley Local Plan.”

- 6.1.2 In the current scheme, the size of the balcony has been reduced from 5.7m wide to 3m wide; and from 1.7m deep to 1.3m deep. The proposed wrought iron railing has been increased from 1.1m high to 1.7m high and also a privacy screening is now proposed along part of the edge of the terrace.
- 6.1.3 It is considered that the current proposal has addressed the previous reasons for refusal (planning ref: 20/02090/FULL1).
- 6.1.4 The applicant has lodged an appeal against the refusal of the previous scheme (planning ref: 20/02090/FULL1) and currently the appeal is in progress. Given that the current scheme is different from the appeal scheme, the current proposal can be assessed and determined on its own merits.

### 6.2 Design – Acceptable

- 6.2.1 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.

- 6.2.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 6.2.3 London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy 6 of the Bromley Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) 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 and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.
- 6.2.4 The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.
- 6.2.5 The proposal is located on the roof of the property and it would be visible from Kingswood Road. Given that the roof terrace would be constructed on the existing flat-roof area, it is considered that it would have a minimal impact on the streetscene or the surrounding area.
- 6.2.6 Having regard to the form, scale, siting and proposed materials it is considered that the proposed extension(s) would complement the host property and would not appear out of character with surrounding development or the area generally.

### 6.3 Heritage Assets – Acceptable

- 6.3.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.
- 6.3.2 Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into

account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 6.3.3 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
- 6.3.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 6.3.5 The host property lies within the Shortlands Conservation Area. London Plan Policy 7.8 and Policy 41 of the Bromley Local Plan are relevant to this application. These policies seek to preserve and enhance the character and appearance of the Conservation Areas.
- 6.3.6 The proposed roof terrace would have a wrought iron railing with a total height of 1.7m and part obscure glazed screening around the edge of the terrace. The Conservation Officer has no objections to the scheme as it would not be widely visible but the details of the screening should be submitted for further assessment once the planning permission is granted. Overall, it is considered that the proposed development would preserve the character and appearance of the conservation area.

#### 6.4 Residential Amenity - Acceptable

- 6.4.1 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.
- 6.4.2 Three supporting letters have been received from the neighbours. The proposed roof terrace would have a total floorspace of 3.9m<sup>2</sup> and would be 9m above the ground level. It is considered that the size of this revised proposed terrace with privacy screening would address the previous concerns on potential noise and light pollution impacts and other potential disturbance accompanied with the use of the proposed roof terrace. It is considered that this development would not materially harm the living conditions of surrounding neighbours and it would respect the amenities of neighbours.

### **7 CONCLUSION**

- 7.1 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 including the Conservation Area.

- 7.2 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:** Application Permitted

**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. **Details of the means of privacy screening for all balconies shall be submitted to and approved in writing by the Local Planning Authority before any above ground construction is commenced. The development shall be carried out in accordance with the approved details prior to the balcony being brought into use and permanently retained as such.**

**Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.**

4. **The materials to be used for the proposal 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.**

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