

<b>Committee Date</b>	10.12.2020		
<b>Address</b>	Mountview Orchard Road Pratts Bottom Orpington BR6 7NS		
<b>Application Number</b>	20/02412/FULL6	<b>Officer</b> - Nicholas Trower	
<b>Ward</b>	Chelsfield And Pratts Bottom		
<b>Proposal</b>	Demolition of existing conservatory, garage and side chimney stack. Single storey front extension, part one/two storey side/rear extensions, alterations to front porch, front roof slope and elevational alterations		
<b>Applicant</b>	Reg Agyeman		<b>Agent</b>
	178 Moffat Road London CR7 8PX		Mr Oliver Osborne
	178 Moffat Road London CR7 8PX		178 Moffat Road London CR7 8PX
<b>Reason for referral to committee</b>	Significant Controversial	Objections /	<b>Councillor call in</b> No

<b>RECOMMENDATION</b>	Permission
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Urban Open Space</p>
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<b>Land use Details</b>		
	Use Class or Use description	Floor space (GIA SQM)

Existing	C3	153.18 sqm
Proposed	C3	297.77 sqm

<b>Vehicle parking</b>	Existing number of spaces	Total proposed including retained spaces	Difference in spaces (+ or -)
Standard car spaces	3 (including garage)	2	-1 (existing off-street spaces to be retained)
Disabled car spaces	0	0	0
Cycle	0	0	0

<b>Electric car charging points</b>	0
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<b>Representation summary</b>	Neighbour letters issued – 22.07.2020 (21 day period) and 27.10.2020 (14 day period)	
	Site notice issued – 23.07.2020 and displayed 03.08.2020	
Total number of responses	30	
Number in support	0	
Number of objections	29 (one general comment also received)	

## 1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Proposed extension and alterations would not have a detrimental impact on design of host building and would not overdevelop the site;
- No unacceptable impact would arise to neighbouring occupiers; and
- No unacceptable Highways impacts would arise.

## 2. LOCATION

2.1 The application relates to detached dwellinghouse located on the northern side of Orchard Road, Pratts Bottom. The property is not listed and does not lie within an area of special designation. The southern side of Orchard Road is situated within an Area

of Special Residential Character. To the rear of the site is the Pratts Bottom Recreation Ground which is a designated Urban Open Space.

2.2 Site Location Plan:



## 2.3 Site Photo:

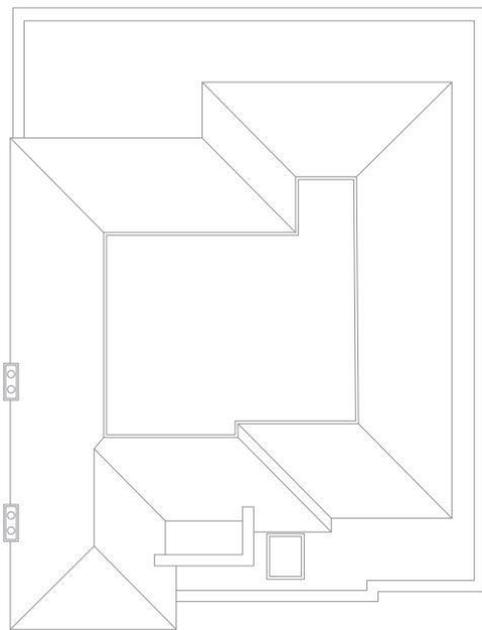
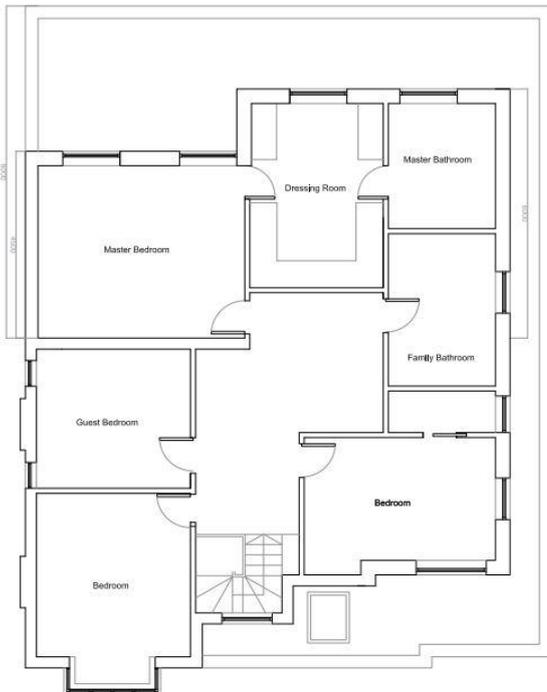
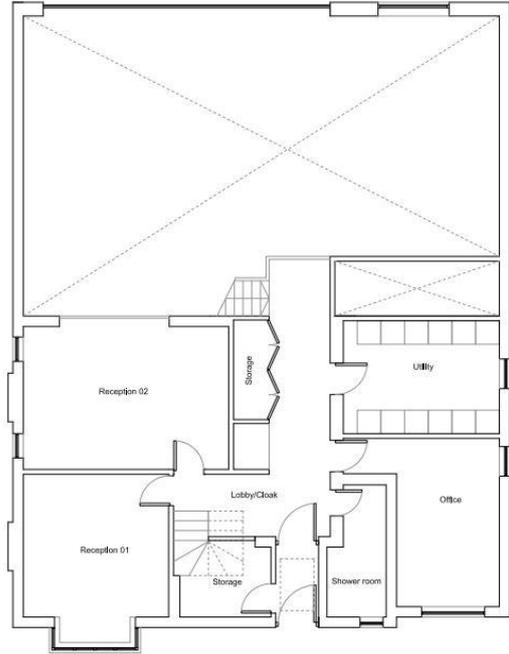
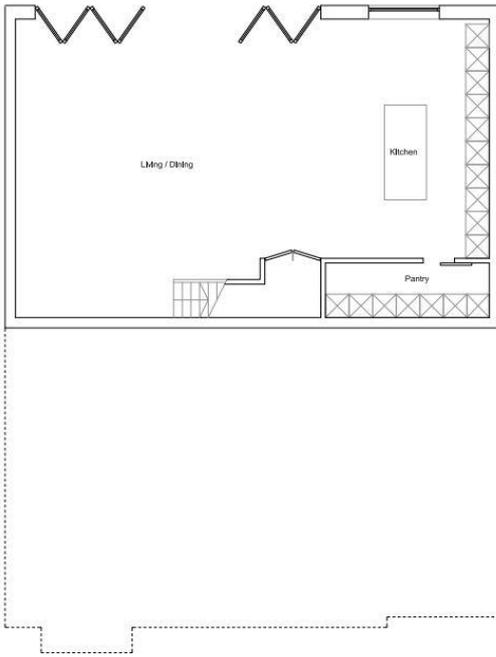


## 3. PROPOSAL

- 3.1 The application seeks planning permission for a single storey front extension, part one/two storey side/rear extensions, alterations to front porch, front roof slope and elevational alterations.
- 3.2 The proposed part one/two storey side extension will measure approximately 2.8m in width and 7.6m in depth at ground floor with a height of 2.6m. At first floor the extension will measure approximately 3.1m in width and 5.9m in depth with a maximum height of 7.3m, pitching down to 5.0m.
- 3.3 At ground floor the proposed rear extension will measure approximately 8.0m in depth, 12.3m in width and 4.9m in height with a flat roof. At first floor the rear extension will measure approximately 11.3m in width for a depth of 4.5m before narrowing to a width of 6.4m for a further depth of 1.5m. This element of the proposed will sit level with the ridge line of the main dwelling.
- 3.4 The proposed elevational alterations consist of altering forward projecting gable feature with a pitched roof, replacing the pitched roof of the first floor front projection to a flat roof, rendering the property, removing the ground floor front window and the addition of window to ground and first floor side elevation.
- 3.5 The proposed development was amended by revised plans received 23.10.2020.

### 3.6 Proposed plans and elevations:

#### 3.6.1 Proposed floor plans



### 3.6.2 Proposed elevations



## 4. RELEVANT PLANNING HISTORY

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

4.2 95/02724/FUL - Single storey side/rear extension - Application Permitted.

4.3 20/00479/FULL6 - Part one/two storey side extension, two storey rear extension and elevational alterations – Application Refused.

4.3.1 Reasons for Refusal:

4.3.2 The proposed part one/two storey side extension, by reason of its siting and lack of adequate side space, would result in a cramped form of development which would cause significant harm to the character of the area, appearance of the host dwelling and the visual amenities of the streetscene contrary to Policies 8 and 37 of the Bromley Local Plan.

4.3.3 The proposed two storey rear extension, by virtue of its scale, bulk and design, would result in an incongruous addition to the host dwelling which would fail to respect or complement its character and appearance, contrary to 6 and 37 of the Bromley Local Plan.

4.3.4 The proposed two storey rear extension, by reason of its height, depth and positioning would result in a dominant form of development, harmful to neighbouring residential amenities by way of a loss of outlook and prospect contrary to Policy 37 of the Bromley Local Plan.

## **5. CONSULTATION SUMMARY**

### **A) Statutory**

Highways: No technical highways objections.

- Please note that internal observations, when not statutory, will only be addressed in the body of the report to avoid repetition.

### **B) Adjoining Occupiers**

Overdevelopment and Out of Character (paras 7.2.6-7.2.9):

- The development would result in a large property that is out of proportion to surrounding dwellings.
- The development would result in a four storey property which would be out of character with the road.
- The development will set a precedent which will have a significantly negative affect on other residents.
- I object to the development due to the mass, scale and height of the extensions.
- The proposal appears to more than double the footprint of the existing property.

Harmful Visual Impact (paras 7.2.6-7.2.9):

- The development would have a detrimental impact on light received by neighbouring properties.
- The development would overshadow the garden of Apple Tree House.
- The increased height and scale of the additions to the rear will completely block light to the side and rear of the property.
- The development will block light to the side window placed specifically to let light into the stairs and landing.
- The single storey extension will cut light and privacy to my downstairs reception room.
- The flat roof side extension appears to be to obtain extra space and detracts from the overall front elevation of Mountview.
- My concern is that extra high roof lights will be added which would be very visual from the front aspect thereby affecting the value of my property.

- The look of this overpowering design would render neighbouring properties almost impossible to sell on.
- The development will disrupt the peaceful enjoyment of the park and have a detrimental impact on wildlife.
- Light to my living room would be seriously affected.
- The development is not in keeping with the current environment.
- The plans will start a move to the total devaluing of the reasons current residents bought in this road and the application should be turned down.

Privacy and Overlooking (7.3.2-7.3.4):

- The development would impose on the privacy of adjoining dwellings.
- The development would result in a loss of privacy to neighbouring properties, particularly Apple Tree House and the patio area to its rear.
- The development will lead to privacy issues for residential properties in St Benjamin's Drive and the park to the rear.
- The proposal for a top floor terrace will directly overlook my entire garden.
- The enormity of the proposal and proposed terrace will magnify the feeling of being overlooked and leave us unable to enjoy our outside space.
- Any side opening windows will overlook my property infringing my privacy.
- There are no other properties with rear balconies or terraces and this will impact enormously on my privacy and ability to enjoy my rear garden.
- The angles illustrated in the drawing are misleading and imply the patio area furthest from Mountview will not be seen. This is not the case.
- Most of the privacy issues could be resolved with the planting of trees along the boundary to provide some sort of screen.
- There are five windows overlooking Yendol.
- No consideration is given to the privacy of any of Mountview's neighbours.

Parking and Impact on Road Surface (paras 7.4.3-7.4.4):

- The development would require an excessive number of journeys by large vehicles which would result in significant road damage.
- The size of the development could lead to parking on the road which may obstruct delivery and emergency vehicles.
- The development will require the constant flow of large vehicles which will impact a narrow road causing obstructions and continuous noise.
- I fail to see why a family could warrant a property of such scale unless they intend to make it multi-occupancy which raises the issue of parking.
- Any planned changes to increase the capacity for cars would result in further loss of trees and bushes to the front, leaving even less of a natural barrier.
- There is not enough parking for a property of this size.
- The verge to the front is not owned by the occupiers with strict caveats regarding its use.
- There is an agreement that residents do not routinely park in the road in order to preserve the view of the tree-lined aspect. I do not see how this agreement will be respected for a property of such size.

Other Matters (paras 7.3.5-7.3.7):

- The retaining wall to my property could be under threat of subsidence if mechanical vehicles are used to dig foundations close to the boundary.
- The outside wall cannot be maintained with limited access.
- The extensive excavation necessary to achieve the lower ground floor will impact on the existing cesspit pipes.

Please note that the above is a summary of representations received and that the full text can be found on the Council's website. Several representations received refer to the original design submitted which was amended by drawings received on 23<sup>rd</sup> October 2020.

## **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. 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.
- 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 was version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.
- 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 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.

6.8 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.

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

### **6.10 National Policy Framework 2019**

#### **6.11 The London Plan**

6.13 Parking  
7.4 Local character  
7.6 Architecture

#### **6.11 Draft London Plan**

D4 Delivering Good Design  
T6 Car Parking  
T6.1 Residential Parking

### **6.12 Bromley Local Plan 2019**

6 Residential Extensions  
30 Parking  
32 Road Safety  
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 The application is a resubmission of reference 20/00479/FULL6 which was refused for the reasons set out above. The current proposal has been amended to reduce the width of the first floor side extension and the width and depth of the rear extension at first floor level.

## **7.2 Design – Acceptable**

- 7.2.1 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.
- 7.2.2 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.
- 7.2.3 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.
- 7.2.4 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.5 Policy 6 of the Bromley Local Plan requires the scale and form of developments to respect the host dwelling and be compatible with development in the surrounding area. Policy 37 of the Bromley Local Plan requires all development proposals, including extensions to existing buildings, to complement the scale, proportion, form, layout and materials of adjacent buildings and areas.
- 7.2.6 At ground floor the proposed side extension will be set back approximately 0.2m from the front elevation and will retain a separation distance of approximately 9.0m from the public highway. The first floor element of the side extension will be set back approximately 0.2m from the front elevation with a ridge line that sits level with that of the main dwelling. The extensions roof will pitched in from the sides which is considered to be in keeping with the design of the host dwelling and the character of the surrounding area. Insofar as possible the proposed materials will match those proposed for the host dwelling which is would be complementary and compatible with the application site.

- 7.2.7 Policy 8 of the Bromley Local Plan sets out that when considering applications for new residential development the Council will normally require a proposal of two or more storeys in height to provide a minimum 1m space from the side boundary of the site for the full height and length of the building. The use of the word normally within the body of the text denotes a degree of flexibility in the application of the policy to allow individual site arrangements to be taken into account. In this instance the host dwelling benefits from a single storey side and rear projection which provides a separation distance of between 0.5m-1.0m. The applicants have set out that the proposed development will involve the conversion of the existing garage and extension of the rear projection. As a result the development will maintain the separation distance at ground floor and provide a side space of between 1.5m and 1.9m at first floor. The property sits further forward in its plot than the neighbouring dwelling, 'Yendol'. This forward positioning, coupled with the side space that will be provided at first floor, will work to reduce the risk of unrelated terracing from occurring. It is considered that, on balance, the side space that would be provided from the development to the side boundary of the site would maintain the overall sense of space and openness between the properties. It is considered that this side space, along with the positioning and depth of the extension, would ensure that the development does not have an overbearing impact or create a cramped appearance within the streetscene.
- 7.2.8 The proposed part one/two storey rear extension would be a significant addition to the host dwelling. A minimum separation distance of approximately 1.7m would be provided to the boundary with 'Apple Tree House' to the west and 1.0m to the boundary with 'Yendol' to the east. In addition a minimum separation distance of approximately 70m would be retained from the developments rearmost wall to the rear boundary of the site ensuring a generous private amenity space is retained. The ridge height of the first floor element of the extension would sit level with that of the main dwelling, extending the structure to the rear and increasing its scale and bulk. While the additional scale and bulk of the roof and extensions to the rear would represent a substantial enlargement of the host dwelling it is considered that, on balance, it would not result in an overdevelopment of the site as a whole. Insofar as possible the proposed materials will match those proposed for the host dwelling which is would be complementary and compatible with the application site.
- 7.2.9 It is proposed to replace the existing forward projecting gable feature with a pitched roof which will work to reduce the bulk of the roof when viewed from the highway. It is also proposed to alter the pitched roof of the first floor front projection to a flat roof. It is considered that the addition of the flat roof would not result in an alien addition to the property and would not have a detrimental impact on the appearance of the streetscene when the designs of neighbouring properties within the wider road are taken into account. It is also proposed to render the entire property. There are a number of dwellings within Orchard Road which have been rendered and it is considered the proposed alteration would be complementary and compatible with properties within the streetscene. It is not considered that the removal of the ground floor front window and addition of windows to ground and first floor side elevation would have a detrimental impact on the appearance of the host dwelling or the character of the area.

7.2.10 Having regard to the form, scale, siting and proposed materials it is considered that, on balance, the proposed development would not have a detrimental impact on the appearance of the host property or the spatial standards and visual amenity of the area.

### **7.3 Neighbouring Amenity – Acceptable**

7.3.1 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.

7.3.2 The proposed part one/two storey rear extension would project along the boundary with 'Apple Tree House' which sits to the west of the host dwelling. The ground floor element of the rear extension would project past the rearmost wall of this neighbouring property by approximately 1.8m at a height of approximately 4.9m. The development proposes to make use of the sloping nature of the site by providing a lower ground floor to the rear extension however the overall height of this element will be similar to that at 'Apple Tree House'. The first floor element of the extension would project past the first floor rear elevation by approximately 2.5m before stepping in by 5.0m and projecting further to the rear. The development would retain a separation distance from the boundary with 'Apple Tree House' which narrows from approximately 1.9m to 1.7m. Taking into account the proposed depth, height and positioning of the extensions, along with the separation distance, it is considered that, on balance, the development would not have a significantly harmful impact on the amenities of 'Apple Tree House' by reason of overshadowing, loss of light or overbearing effect. This neighbouring property currently benefits from a first floor side window which serves the stairway and first floor hall. This window would be affected by the development however given the existing relationship between the properties in this location and the separation distance that would be provided towards the rear it is not considered that the impact would warrant the refusal of the application.

7.3.3 The proposed development would project along the boundary with 'Yendol', which sits to the east, projecting just past the rear elevation of its side store. The part one/two storey element of the proposed would sit forward of this neighbouring property's front elevation and would provide a greater separation distance at first floor level than previously proposed. The scale and bulk of the extended dwelling along the boundary with 'Yendol' will be mitigated by the proposed pitched roof. Taking into account the orientation of the site and the arrangement of the two properties it is considered that, on balance, the impact of the proposed on the amenity of this neighbouring property would not be adverse enough to warrant a refusal of the proposal.

7.3.4 The windows proposed to the first floor flank elevations of the property are indicated as serving bathrooms and bedrooms. In the event planning permission is granted a condition can be included requiring the windows to be obscurely glazed in order to reduce the risk of overlooking and protect the privacy of neighbouring dwellings. A large amount of glazing is proposed to the rear elevation. While the level of glazing may result in a perceived increase in overlooking it is not considered that any significant loss of privacy to the adjacent properties would arise over and above that

expected in a typical residential layout. The submitted documents indicate that landscaping will be carried out to provide natural screening at the rear. Further details on this matter can be secured by condition to ensure appropriate planting is implemented to provide additional privacy.

- 7.3.5 Representations have been received raising concerns about construction methods, noise from building, the impact of the development on existing infrastructure, party wall issues, impact on the price of property and difficulties with maintenance. These concerns, while important, fall outside of the decision making process for this application and may be dealt with under building control regulations, environmental health regulations or as a civil matter.
- 7.3.6 Representations have also been received raising concerns about the property potentially becoming a HMO. The conversion of the dwelling to a HMO does not form part of this application and there is nothing at present to suggest this is the intention of the applicant.
- 7.3.7 In addition to the above representations have been received raising concerns that the development will set a precedent within Orchard Road which will have an impact on residents and the wider area. Each application is decided on its own merits with the particular circumstances of each site taken into account.
- 7.3.6 Having regard to the scale, siting and separation distance of the development, it is considered that, on balance, a significant loss of amenity with particular regard to light, outlook, privacy and prospect would not arise.

#### **7.4 Highways - Acceptable**

- 7.4.1 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.
- 7.4.2 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.
- 7.4.3 The proposed development will result in the loss of the garage. There are spaces available within the sites curtilage which could be utilised for parking. Based on the information provided, the Councils Highways Officer has not raised an objection to the proposal. Therefore, on balance, it is not considered that there would be any adverse impact on parking.
- 7.4.4 Representations have been received raising concerns about the impact of the development on the road surface. The Councils Highways Officer has requested the inclusion of a condition requiring any damage to the road caused during construction to be repaired prior to completion of the development to ensure that adequate

protection of the road can be secured in the interest of pedestrian and vehicular safety.

## **7.5 CIL**

7.5.1 The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has not completed the relevant form.

## **8. CONCLUSION**

8.1 Having had regard to the above it is considered that, on balance, 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.

8.2 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: PERMISSION**

### **Subject to the following conditions:**

1. Standard time limit of 3 years
2. Standard compliance with approved plans
3. Materials in accordance with approved plans
4. Provision of obscure glazing to first floor side windows
5. Road condition survey and requirement to restore road
6. Landscaping

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