

Committee Date	21.01.2021	
Address	32 Hayes Way Beckenham BR3 6RL	
Application Number	20/03250/FULL6	Officer - Louisa Bruce
Ward	Shortlands	
Proposal	Two storey side and rear extension with roof alterations incorporating two new dormers to the side and alterations to existing garden patio and steps. Formation of rooms within the loft space including rooflights. Single storey front extension aligning with existing garage. All proposed materials and external features to match existing	
Applicant	Agent	
Mr And Mrs Evans	Mr Sammi Booz	
32 Hayes Way Beckenham BR3 6RL	25 Royal Albert Road Westbury Park Bristol BS6 7NX	
Reason for referral to committee	Councillor call in	
Side Space	No	

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Park Langley Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 21</p>

Representation summary	A Conservation Area Site Notice was displayed on 18 th September 2020. Neighbours were notified of the original application on 16 th September 2020 and of the revised plans on 26 th November 2020.	
Total number of responses		4
Number in support		0
Number of objections		4

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 have a neutral impact on the character and appearance of the Park Langley Conservation Area
- The development would not adversely affect the amenities of neighbouring residential properties

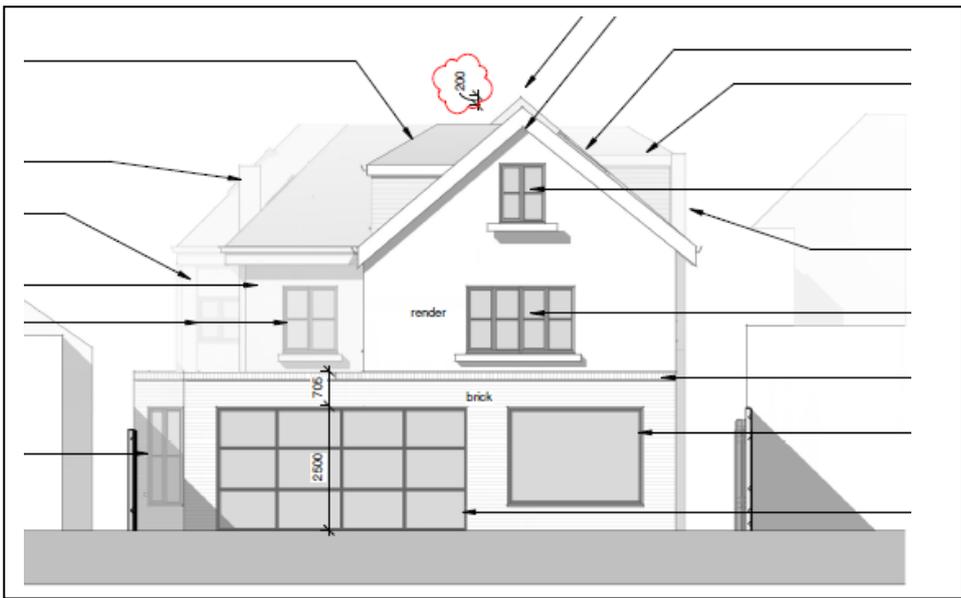
2. LOCATION

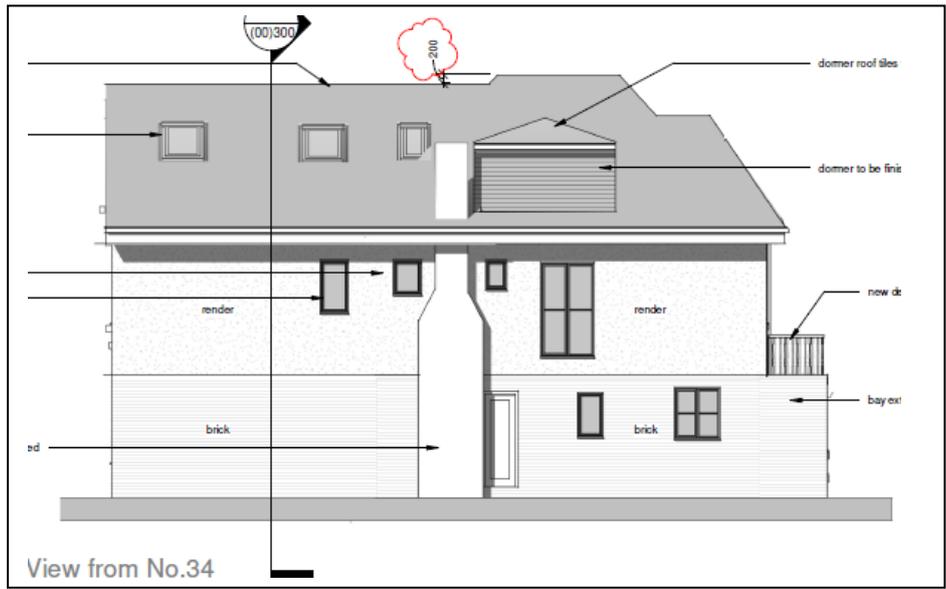
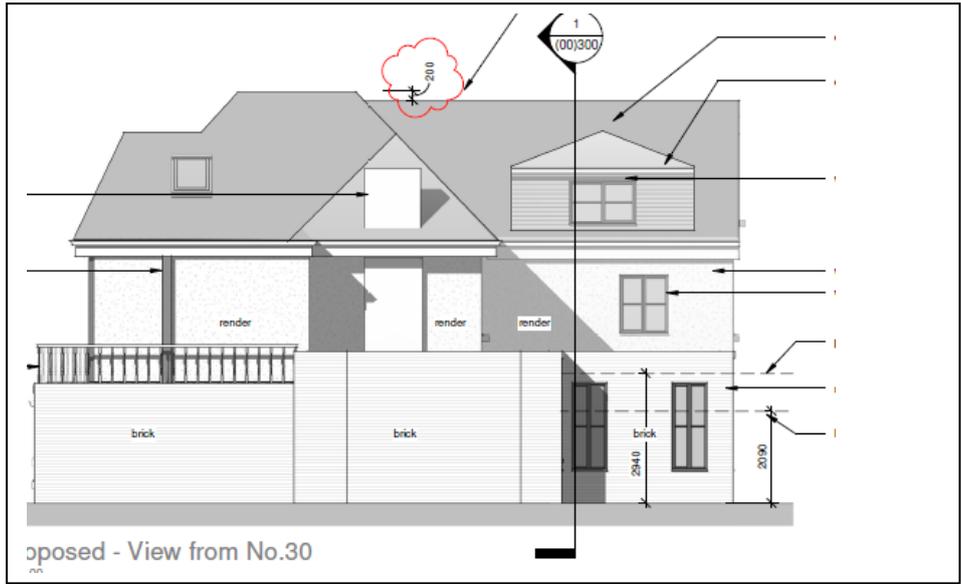
- 2.1 The application property is a traditional Arts and Crafts two storey detached residential dwelling, which is located on the south side of Hayes Way, Beckenham. The property is located within the Park Langley Conservation Area. The surrounding area is residential in character and comprises many larger detached properties.

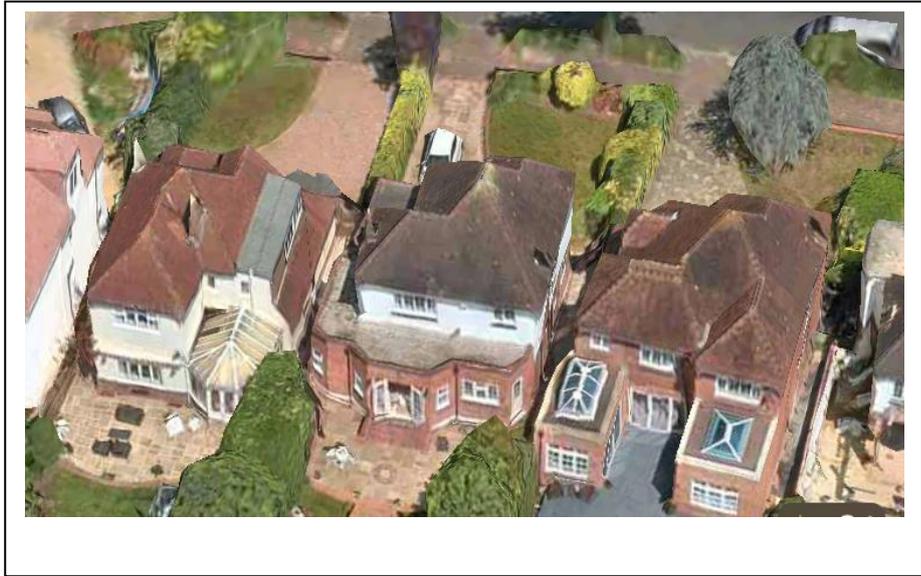


3. PROPOSAL

- 3.1 Planning permission is sought for a two storey side and rear extension with roof alterations incorporating two new dormers to the side. Formation of rooms within the loft space including roof lights. Single storey front extension aligning with existing garage. All proposed materials and external features to match existing dwellinghouse.
- 3.2 The proposed changes would involve enlarging the existing three bedroom dwellinghouse at the front, sides and rear to a five bedroom property with one bedroom in the roof space.
- 3.3 The application is accompanied by a Design, Access & Heritage Statement.
- 3.4 Revised drawings received on 25th November 2020.







4. RELEVANT PLANNING HISTORY

- 4.1 Under planning application ref: 86/01594/FUL planning permission was granted for a single storey front/side and rear extension.

5. CONSULTATION SUMMARY

A) Statutory

- **Conservation Officer** - This Edwardian house is an attractive non-designated heritage asset in the Conservation Area which is a designated heritage asset and any alterations must not be harmful or out of character.

The proposal from a Conservation Area point of view is now acceptable on balance. This proposal will have a neutral impact on the Conservation Area as the building is set back and therefore any views and oblique views are minimal.

B) Local Groups

No comments received from residents' groups.

C) Adjoining Occupiers (addressed in paragraphs 7.17-7.24)

Objections

1. Loss of privacy
 2. Overlooking
 3. Overshadowing
 4. Loss of light
 5. Loss of residential amenity
 6. Layout and density of building
 7. Overbearing impact
 8. Size
 9. Limited side space
- The proposed rear extension does not respect the scale of neighbouring properties and has an overbearing impact.
 - The roof alterations extend out significantly further than the end of the 2nd stories of other properties. All the properties are aligned and thus the proposed extension is not in keeping with the rest of the row of houses on the road.
 - Hugely overbearing and overshadows the back of our house.
 - Loss of natural light on top of single storey dining room
 - Limited space between the properties
 - Three large windows looking into our garden
 - Feels more like a third storey than a loft conversion, combined with the length we feel this will have an overbearing impact on our property and loss of privacy.

- Understand why the applicant wants to extend and are sympathetic to their needs, however we feel that the proposed plans for the rear and side extension in its current form is extremely detrimental to our property.
- Rear elevation overlooks our orangery & kitchen, therefore restricts privacy and natural light. It also directly overlooks our back patio, again restricting light & causing overshadowing and bares no regard for our privacy.
- The proposes for the front elevation will restrict light and privacy to first floor landing and bedroom windows and well as ground floor lounge windows.
- Neighbouring application for a recent orangery was refused due to scale and this was only a fraction of the size of this proposed development.

Full copies of all the objections letters are available to view on the on-line file.

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 National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.
- 6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016) and Draft London Plan (2019). The NPPF does not change the legal status of the development plan.

Draft New London Plan

- 6.5 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.

- 6.6 An updated 'Intend to Publish' version of draft London Plan – entitled Publication London Plan December 2020 - was published on 21 December 2020. This version of the draft plan includes changes made by the Mayor in response to a number of Directed Changes made by the SoS in March and December 2020. The relevant documents are available on the Mayor's website - <https://www.london.gov.uk/what-we-do/planning/london-plan/new-london-plan/publication-london-plan>
- 6.7 The draft new London Plan (December 2020) 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.
- 6.8 The draft New London Plan is at a very advanced stage; in a Written Ministerial Statement dated 15/12/2020, the SoS indicated that he expects to agree the London Plan with the Mayor early in the new year (early 2021).
- 6.9 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.
- 6.10 Prior to issuing further Directed Changes in December 2020, the SoS (in two SoS call-in appeals in the Royal Borough of Kensington and Chelsea, appeal ref: APP/C5690/W/18/3205926; and the London Borough of Hounslow, appeal ref: APP/G6100/V/19/3226914) had established that the draft London Plan policies are capable of having significant weight where they weren't subject to Directed Changes.
- 6.11 Considering this information against paragraph 48 of the NPPF, the draft new London Plan (December 2020 'Intend to Publish' version) is considered to have very significant weight where there are no Directed Changes to policies; and significant weight where there are Directed Changes to policies. Taking this into account, the draft new London Plan policies should be used to determine this planning application, alongside policies in the adopted Local Plan and adopted London Plan. Where there is conflict between the policies in the draft new London Plan and the policies in the adopted Development Plan, the draft new London Plan should generally be given primacy although this may vary from case to case.
- 6.12 Upon adoption of the new London Plan, it will become the most up-to-date Development Plan Document for the London Borough of Bromley, and therefore, in accordance with section 38(5) of the Planning and Compulsory Purchase Act 2004, "if to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan."

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

Draft London Plan

Policy D4 Delivering good design

London Plan

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.8 Heritage Assets

Bromley Local Plan

Policy 6 Residential Extensions

Policy 8 Side Space

Policy 30 Parking

Policy 37 General Design of Development

Policy 41 Conservation Areas

Policy 123 Sustainable Design and Construction

Supplementary Planning Guidance

Bromley's SPG No.1 - General Design Principles

Bromley's SPG No.2 - Residential Design Guidance

Park Langley Conservation Area SPG

7. ASSESSMENT

- **Design – Layout, scale height and massing - Acceptable**

7.1 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.

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

7.3 Policies 6 & 37 of the BLP and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respects the scale and appearance of host dwelling, neighbouring development and surrounding areas.

- 7.4 Policy 6 requires that dormer windows be of a size and design which is appropriate to the roof scape and sited away from prominent roof pitches, unless dormers are a feature of the area.
- 7.5 Policy 8 requires planning proposals for two or more storeys in height, including first floor extensions to retain a minimum 1 metre space from the side boundary for the full height and depth of the proposal. Further to this, where higher standards of separation already exist within residential areas, proposal will be expected to provide a more generous side space.
- 7.6 The Council considers that the retention of space around residential buildings essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. Furthermore, Policy 8 seeks to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.
- 7.7 Policy 41 relates to development within Conservation Areas. This policy requires new development, including alterations and extensions to preserve the character and appearance the characteristics of the CA by respecting or complementing the layout, scale, form and materials of existing buildings and spaces.
- 7.8 The submitted ground floor plans indicate that the existing garage would remain whilst a first floor extension would be built on top of the existing garage to square off the property and provide an additional bedroom and en-suite to the property. The first front infill extension appears to be acceptable in design terms and the Conservation Officer has not raised any concerns. Overall this element of the proposal would be a subservient addition to the property and would appear to blend in with the wider street scene and would seek to preserve and enhance the character and appearance of the Conservation Area as well as maintaining a 1m side space to the boundary with No. 30. It is noted that the existing garage would remain in its existing position and as illustrated on the proposed floorplans a side space of only 0.6m would be maintained to the boundary at ground floor. Strictly speaking this would mean that the first floor development would not accord with Policy 8 (Side Space) which requires a full 1m side space at both ground and first floor. However, given the garage was built some years ago this arrangement is considered acceptable. The existing family room is shown to be converted to a study and playroom and extended by 1m in depth together with a new porch. The front extension and new porch is acceptable on the basis that it would mirror the building line of the garage (on the eastern boundary) which already sits forward of the main front building line of the property.
- 7.9 The main bulk of the development is proposed to the side and rear of the property. The submitted flank elevations illustrate that the property would result in significant changes to the scale and form of the host dwelling. The proposed ground floor floorplan illustrates that the existing kitchen and dining and living area will be increased in depth by 4.5m to create an enlarged kitchen, dining and living area. The part first floor rear extension extends for just over half the width of the property with the bulk of the extension lying closest to the boundary with No.34. The first floor rear extension extends to 5.6m in depth to create an additional bedroom.

The existing loft space would also be converted to create a fifth bedroom, ensuite, dressing room and store. The loft would have a pitched roof with two small dormer windows.

- 7.10 It is acknowledged that the extensions are sizeable; however they have been sensitively designed to respect the character of the host dwelling and it is considered that the proposed development would be subservient and would not detract from the character and appearance of the host building. An inspection of the Council's records show that a relatively large rear extension was permitted at No.28 Hayes Way.

- **Conservation - Acceptable**

- 7.11 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.
- 7.12 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.

Within or adjacent to a Conservation Area:

- 7.13 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.
- 7.14 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.
- 7.15 The host property lies in the Park Langley 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. The proposed development to the front and flank elevations would be visible from the streetscene. After initial objections to the proposed dormer windows revised plans were submitted which shows a reduction to the

proposed dormers in terms of their design and size. The Conservation Officer withdrew its previous objections.

- 7.16 It is considered that the proposed development with the revised plans would preserve the character and appearance of the Conservation Area.

- **Neighbourhood Amenity – Acceptable**

- 7.17 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.
- 7.18 Objection letters have been received from both neighbours; No.30 and No.34 Hayes Way. The first floor side extension and one of the side dormers would be set adjacent No.30 Hayes Way. No.30 has existing side dormers in the side elevation which appear to have habitable windows. A dormer window to the roof and a first floor window are shown to be inserted into the flank elevation of the side extension of No.32 these windows are all shown to be obscure glazed. Both windows serve bedrooms but as they would be considered secondary window the obscure glazing is considered acceptable.
- 7.19 It is not considered that the extension would not lead to a loss of privacy or overlooking between neighbours, however, the side and rear extensions would however involve additional bulk, scale and mass being added to the host property and result in a degree of visual impact. Part of the single storey extension would abut the shared boundary with No.30 but the rear part will be separated by a 1m side space. The first floor rear part of the development will also be set-in from the shared boundary by approximately 5m. On balance the neighbouring amenity to No.30 is not considered to be significantly affected.
- 7.20 No.34 is located to the west and appears to have been extended to the rear. The planning records show that planning permission was refused in 2019 and 2020 for “Loft conversion with roof alterations and the construction of side and rear dormers, together with a first floor extension to enlarge an existing bedroom”.
- 7.21 The planning history for No.34 outlines that planning permission was refused in April 2020 for a ‘Loft conversion with roof alterations and the construction of side and rear dormers, together with a first floor extension to enlarge an existing bedroom’. The reason for refusal was given as follows:

“The proposed first floor side extension as a result of its size and limited side space, together with the design, size, arrangement and scale of the dormers would result in a bulky and dominant form of development which fails to respect or complement the scale, appearance and character of the host dwelling and streetscene in general. It therefore fails to preserve or enhance the character and

appearance of the Conservation Area, being contrary to Policies 6, 8, 37 and 41 of the Bromley Local Plan (2019)".

- 7.22 A new application is currently pending consideration for a revised proposal at No.34.
- 7.23 No.34 appears to have existing side dormers which face towards the flank wall of No.32. although it is not clear if these are habitable windows. The main impact to No.34 will be the ground and first floor rear extensions. It is noted that No.34 has been extended to the rear but only single storey. The rear extensions to the first floor and loft would extend approximately 5.6m in depth and approximately 5m past the rear building line of No.34.
- 7.24 Whilst the added bulk, scale and mass added to the rear of the property will be visible to No.34 it is considered that 1m separation between the properties mean that it will not be so significant to warrant the refusal of the application.

CIL

- 7.25 The Mayor of London's CIL is a material consideration. CIL would not be payable on this proposal and the relevant forms should be submitted as part of any formal planning application.

8. CONCLUSION

- 8.1 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. The proposal is considered to preserve and enhance the character and appearance of the Conservation 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: Application Permitted

Subject to the following conditions:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Materials as per plans**