

<b>Committee Date</b>	04/03/2021	
<b>Address</b>	11 Kennedy Close Orpington Kent BR5 1HP	
<b>Application number</b>	20/03819/FULL6	<b>Officer</b> Emily Harris
<b>Ward</b>	Petts Wood and Knoll	
<b>Proposal (Summary)</b>	Retrospective conversion of garage to habitable room to include alterations to the roof and erection of replacement single storey side and rear extension.	
<b>Applicant</b>	<b>Agent</b>	
Mr M K Zaman 11 Kennedy Close Petts Wood Orpington BR5 1HP	Mr Kirit Tailor 170 Tottenhall Road Palmers Green N13 6DL	
<b>Reason for referral to committee</b>	Call in	<b>Councillor call in</b> Yes

<b>RECOMMENDATION</b>	PERMISSION
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### Summary

<p><b>KEY DESIGNATIONS</b></p> <ul style="list-style-type: none"> <li>• Biggin Hill Safeguarding Area</li> <li>• London City Area Safeguarding</li> <li>• Smoke Control</li> </ul>
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<b>Vehicle parking</b>	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	3	2	-1
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 - 30/11/2020	
Total number of responses	3	
Number in support	1	
Number of objections	2	

## **SUMMARY OF KEY REASONS FOR RECOMMENDATION**

- The proposed development would be of an appropriate mass, scale, form and design that would be in keeping with its context, thus preserving the appearance of the site and surrounding area
- The proposed development would not cause unacceptable harm to the amenities of neighbouring residential occupiers
- No unacceptable Highways impacts would arise

### **1. LOCATION**

1.1 The application site comprises a two storey linked detached dwelling on the southern side of Kennedy Close, Petts Wood. The property is not listed and does not lie within an area of special designation.

The area is predominantly residential in nature. The surrounding properties comprise semi-detached and terraced dwellings, many of which have been extended to varying extents.

## 1.2 Site Location Plan:



## 2. PROPOSAL

2.1 The application seeks planning permission for the following:

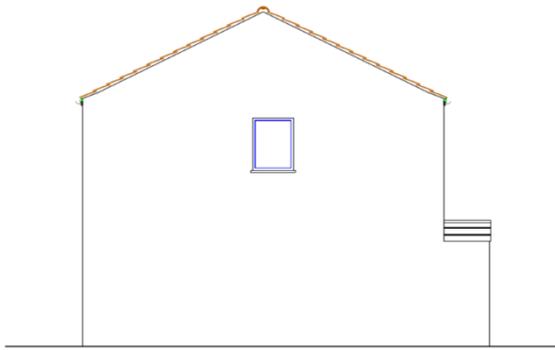
- A single storey rear extension constructed from brickwork and the increase in height of the existing flat roof along the side of the dwelling by approximately 0.5m from 2.8m to 3.3m. The extension would replace of the existing extension which has been built with white cladding for which planning permission was not sought.
- A parapet wall constructed from brickwork is proposed which would abut the north west boundary shared with No.12 Kennedy Close.
- The application also seeks retrospective planning permission for the conversion of the garage into a habitable room. The garage door has been replaced with a window.

2.2 Pre-existing elevations:

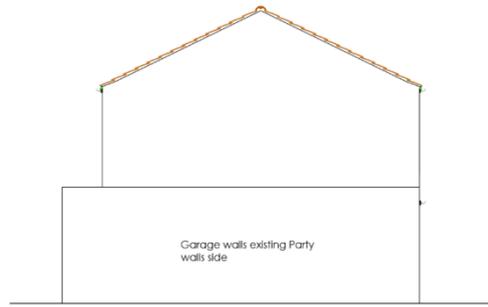


Rear elevation

Front elevation



Western side elevation

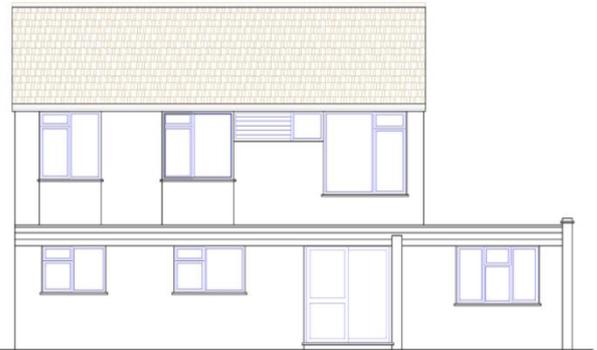


Eastern side elevation

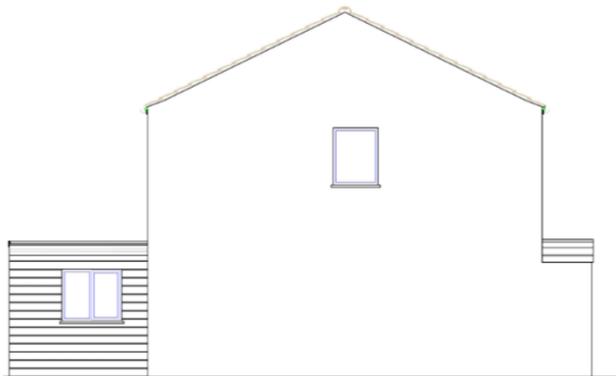
### 2.3 Existing elevations:



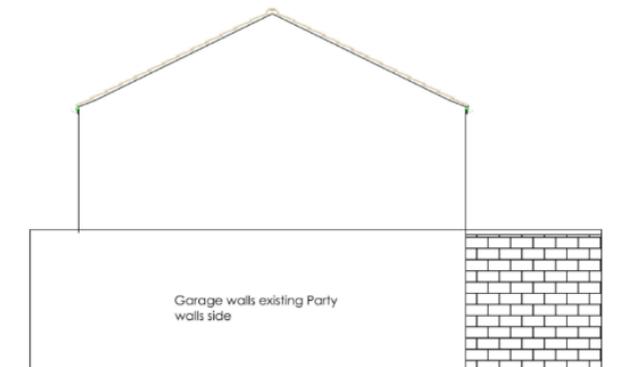
Existing rear elevation



Existing front elevation



Existing east side elevation



Existing west side elevation

## 2.4 Proposed elevations:



## 3. RELEVANT PLANNING HISTORY

The following planning history was found on the site:

- Under ref. 99/1909 (13/08/1999) planning permission was granted for the construction of a single storey rear conservatory
- Under ref. 81/2017 (03/09/1981) planning permission was granted for the construction of a single storey front extension
- Under ref. 70/728 (28/7/1970) planning permission was granted for a two storey extension
- Under ref. 69/109 (01/07/1969) planning permission was refused for a sitting room and study with two single bedrooms over (allowed at appeal)
- Under ref. 65/1778 (27/10/1965) planning permission was granted for a conservatory

## 4. CONSULATION SUMMARY

### a) Statutory

- No requirement to consult any statutory consultees due to the nature of this application.

## **b) Local groups**

- None

## **c) Adjoining Occupiers**

- Overdevelopment – the proposal will increase the original habitable area by approximately 120%.
- Damage to neighbouring property.
- Noise nuisance.
- Stress on the parking – there are six people living at the property with three cars. The road is narrow which makes turning difficult.
- The entrance to Kennedy Close is very narrow and there are already many parked cars outside and around No.11 which makes the area hazardous.
- Access for emergency and essential service vehicles may be restricted because of the proposal.

The full text on comments received are on file.

## **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 Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

5.4 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>

5.5 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.

5.6 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).

5.7 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.

5.8 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.

5.9 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.

5.10 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."

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

#### **5.12 National Policy Framework 2019**

#### **5.13 NPPG**

## **5.14 The London Plan**

Policy D1 London's form and characteristics  
Policy D2 Delivering good design

## **5.15 Draft London Plan**

D1 London's form and characteristics  
D4 Delivering good design

## **5.16 Mayor Supplementary Guidance**

The Mayor's Housing Supplementary Planning Guidance (March 2016)

## **5.17 Bromley Local Plan 2019**

6 Residential Extensions  
37 General Design of Development

## **5.18 Bromley Supplementary Guidance**

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

## **6. Assessment**

### **6.1 Design - Layout, scale height and massing - Acceptable**

6.1.1 The application property benefits from a single storey front extension which was granted under ref. 81/2017. This application proposes to increase the height of this element by approximately 0.5m. Whilst the increase in height would increase the prominence of this element when viewed from the front of the property, the footprint would not project any further forward.

6.1.2 It is noted that many properties in the close have been extended to varying extents, including No. 12. It is considered that the changes proposed in this application would be in-keeping with the host dwelling and would not impact detrimentally on the streetscene. The single storey rear extension would have a limited impact on the visual amenities of the area as it would largely be screened from view by virtue of it's setting at the rear of the property.

### **6.2 Highways – Acceptable**

6.2.1 The conversion of the garage into a habitable space would result in the loss of one parking space. There are two parking spaces on the driveway and the Highways Officer has not raised any objection.

### **6.3 Neighbourhood Amenity - Acceptable**

6.3.1 The single storey rear extension as built, is constructed clad with white cladding which did not meet Building Control standards. The proposed single

storey rear extension is therefore proposed to be constructed from brickwork with a 3.2m parapet wall. Concerns were raised regarding the increase in noise as a result of the proposal. The use of brickwork would likely help to reduce any noise pollution.

6.3.2 The single storey rear extension would have a modest depth of 2.7m with a height of 3.1m. The extension would have the same depth as the single storey rear extension at No.12 which was granted under ref. 87/02521/FUL and would not project beyond the rear windows of No. 12 (see photos below). The impact of the proposal on this neighbouring property is therefore considered to be minimal.

6.3.3 The garage conversion would not result in a detrimental impact to either neighbouring property with regard to light, outlook, prospect and privacy.



## 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.

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: PERMISSION

### SUMMARY OF CONDITIONS

1. Standard time limit
2. Matching materials
3. Standard compliance with plans