

Committee Date	08.04.2021	
Address	12 Beechwood Rise Chislehurst BR7 6TJ	
Application Number	20/04052/FULL6	Officer - Jacqueline Downey
Ward	Chislehurst	
Proposal	Loft conversion with rear dormer extension with 2 Juliet balconies, conversion of garage to habitable accommodation with change of existing front garage door into a window, new front porch and 2 number sheds/outhouse to rear garden - amendments to previous permitted application ref. 18/05087/FULL6 (RETROSPECTIVE)	
Applicant	Agent	
Mr Jey Nageswaran	Mr Simon Lundie	
98 Brockley Rise Forest Hill London SE23 1LN	98 Brockley Rise Forest Hill London SE23 1LN	
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes

RECOMMENDATION	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 16</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Single Dwelling	180.108 sqm (as approved under 18/05087/FULL6)
Proposed	Single Dwelling	202.186 sqm

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	3	3	0
Disabled car spaces	0		
Cycle	0		

Electric car charging points	Percentage or number out of total spaces 0
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Representation summary	Letters to neighbours were sent out on the 24.02.2021 and again on the 30.11.2020	
Total number of responses	3	
Number in support	0	
Number of objections	3	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not impact detrimentally on local character
- The proposed garage conversion would not result in insufficient on-site parking or a detrimental impact on highways safety
- The proposal would not result in a harmful loss of amenity to local residents.

2. LOCATION

2.1. The site hosts a detached dwelling which is situated on the north east side of Beechwood Rise.

2.2. The site is not situated within any designated land.

2.3. Site location plan:

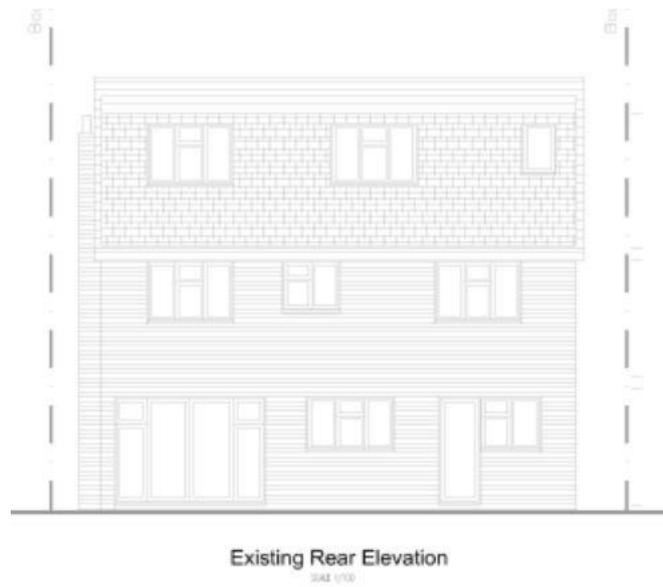


3. PROPOSAL

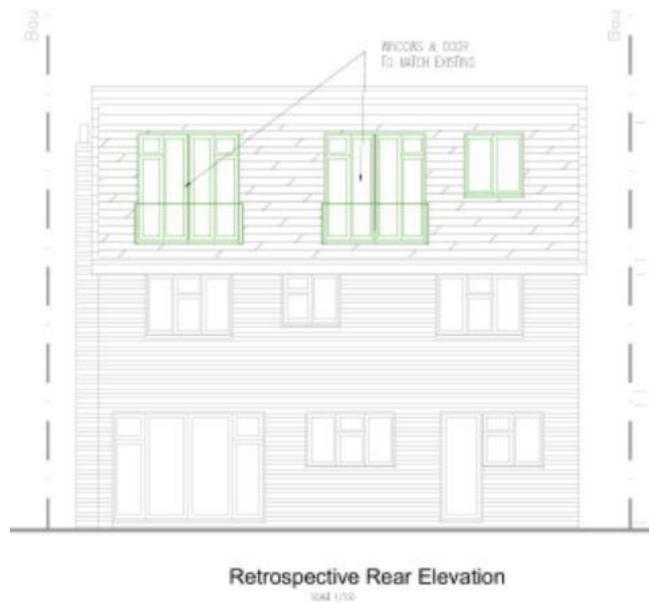
- 3.1. Planning permission is sought for a rear dormer which would have a width of 9.4m and a height of 2.8m with and the conversion of the integral garage to habitable accommodation which would involve removing the garage door and replacing it with a window with a width of 1.2m and a height of 1.1m.
- 3.2. The application follows a previously approved scheme under ref. 18/05087/FULL6 for a proposed loft conversion with rear roof dormer extension and conversion of existing front garage door into a window. This amended scheme involves the addition of two rear outbuildings, alterations to the fenestration of the rear dormer from standard windows to glazed doors with Juliet balcony and a front porch.
- 3.3. The proposed outbuildings would be situated to the rear of the garden and the one to the eastern side would have a width of 5m, a depth of 3m and would have a mono pitched roof with a height of between 2.3m and 2.5m. The proposed outbuilding to the western side would have a width of 2m and would have a tapered rear elevation with a depth of 1.3m and 2.1m.

3.4. The proposed front porch would have a depth of 1.4m, a width of 1.7m and a flat roof with a height of 2.3m.

3.5. Previously approved rear elevation;



3.6. Proposed rear elevation



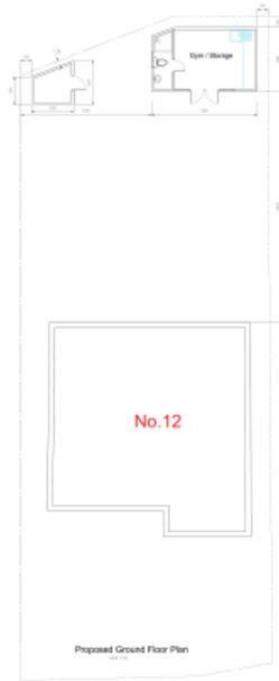
3.7. Proposed side elevations



3.8. Proposed front elevation



3.9. Proposed site plan



4. RELEVANT PLANNING HISTORY

- 4.1.1. 18/05087/FULL6 - Proposed loft conversion with rear roof dormer extension and conversion of existing front garage door into a window. – Permitted

5. CONSULTATION SUMMARY

A) Statutory

- Highways – No objections - The access and parking remain the same. There is parking available for a number of vehicles on the frontage. The configuration means one car appears to be driving over the footway, which is an offence. However, there is a limit on the width of a residential crossover, so it is unlikely to be widened.

B) Local Groups

None were received

C) Adjoining Occupiers

Legitimacy of application form (addressed in para 7.1)

- Surely the legal applicant is Jeyganesan Nageswaran and the address of the applicant should be 12 Beechwood Rise.
- States 'yes' to works have commenced. The date stated was 25 September 2020. Work continued long past this date, the new garage window was installed at the end of November 2020 and other work well past this date.
- Application form states no trees are within falling distance.

- A site visit will clarify that many trees and tall bushes are situated in adjoining properties and are within falling distance of the new garden buildings.
- contractors pruned back the neighbour's bushes and trees.
- Will the proposed works affect existing car parking arrangements? The answer is given was No. If you convert a garage to a room the answer must be Yes.

Deviation from the plans (addressed in para 7.3)

- Covenants were put in place by Bovis the builders who originally constructed the estate and the council
- applications for similar extensive loft conversions have already been declined locally at properties in Gossington Close and Beechwood Rise, so if the council are to be consistent, the development at No 12 Beechwood Rise should also have been rejected.
- The original approved plans in Feb 19 showed a loft conversion with two small bedroom windows and a bathroom window at the back and a fixed side window. This is not what has been constructed
- Having made enquiries at the council regarding the Juliet balconies and side window, it transpires that the residents of No 12 Beechwood Rise did not have permission to change the plans
- Side window is shown on the plans as an obscured glass fixed light. What has been constructed is a much larger opening window

Impact on privacy of neighbouring houses (addressed in para 7.3)

- large Juliet balcony windows allow to look out with ease into neighbouring gardens and bedroom windows of properties opposite, which is a privacy issue
- bad enough to have lost some direct sunlight in my garden due to the large loft conversion and to have lost privacy in the garden being overlooked.
- Loft conversion is very intrusive
- Can see directly into No. 12 bedroom from their kitchen and dining room which was not the case previously
- Back garden now feels very overlooked which is not ideal when you have small children

No in keeping with style of property (addressed in para 7.1)

- huge sheets of thick Perspex/glass/plastic in front of the full-length windows are not in keeping with the style of property

Party wall notifications (addressed in para 7.1)

- Does the Boundary Wall / Party wall act not set out how close buildings should be to a neighbour's property and what consultation should have taken place?
- received no prior knowledge of this garden construction from No 12 Beechwood Rise.

Size and use of proposed shed (addressed in para 7.3)

- The second is much larger and is effectively an extension of the house.
- From the revised plans and observations during its construction, it contains a toilet, sink, shower room, is fully wired and heated and is connected into the drains.
- did not buy a house, on this estate protected by covenants to find I now sit in my garden close to an outside toilet

- by adding these residential buildings into the garden, we are also experiencing a proliferation of outside lights and CCTV cameras with microphones, again an intrusion of privacy

Would set a precedent (addressed in para 7.1 and 7.3)

- if retrospective planning permission or a "Certificate of Lawfulness" is granted, it will set a dangerous precedent for others to then put significant extensions of their house into gardens, something the over-development covenants were put in place to stop.

Loss of parking in the garage (addressed in para 7.2)

- Others locally have had garage conversion proposals rejected such as 8 Beechwood
- No 12 Beechwood Rise are the only property locally to have already ignored the covenants and paved over the whole of the front garden to park 4 vehicles with other vehicles being parked on the otherwise empty street.
- There are already 5 or 6 cars and concerned that the additional use of space will lead to more people living in the house and even more parked cars in their small close, which happened when build was taking pace

Impact of front porch on street scene (addressed in 7.1)

- Front porch could change the "street scene" and encroach on the parking in front of the house

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 in February 2019.

6.4. The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

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

6.6. National Policy Framework 2019

6.7. The London Plan

Policy D1 London's form and characteristics

Policy D2 Delivering good design

6.8. Bromley Local Plan 2019

6 Residential Extensions

37 General Design of Development

53 Land adjoining Green Belt or MOL

6.9. Bromley Supplementary Guidance

SPG1 – General Design Principles

SPG2 – Residential Design Guidance

7. ASSESSMENT

7.1. Design – Acceptable

- 7.1.1. Paragraph 124 of the NPPF (2018) 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.
- 7.1.2. Paragraph 127 of the NPPF (2018) 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.
- 7.1.3. London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.4. Policies 6 and 37 of the BLP and the Council's Supplementary Planning Guidance seek to ensure that new development, including residential extensions

are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. It is further stated that dormer windows should be of a size and design appropriate to the roofscape and sited away from prominent roof pitches, unless dormers are a feature of the area.

- 7.1.5. The proposed dormer is a significant size however it would not be immediately adjacent to the road. Where it is visible from the road, from Gossington Close to the west side and from Beechwood Road where it turns through 90 degrees to the east, however its side elevations face these roads therefore it is not considered that the elevational alterations to the rear dormer to provide enlarged windows with Juliet balconies would have a significant impact on the character of the area. The rear dormer will continue to be set back from the eaves and from the main ridge height which would lessen its impact on the roof profile to some extent. There are other examples of rear dormers in the locality, including Nos. 4 (permitted under ref. 06/00770) and 8 Beechwood Rise (granted under a lawful development certificate ref. 15/0333/ELUD).
- 7.1.6. Following the previously permitted application under ref. 18/05087, the proposal would now include a front porch and rear outbuildings which did not form part of the previous proposal. The proposed front porch would not project beyond the front gable elevation and would have a modest width and depth of 1.7m and 1.4m. Therefore, it would not have a significant impact on the appearance of the host dwelling or character of the area.
- 7.1.7. The proposed outbuildings are not excessive in size and would not occupy a significant proportion of the rear garden, there would be a minimum separation of 10m from the rear of the property to the outbuildings and there asset back slightly from the side and rear boundaries and maintain a significant gap between the two structures. Therefore, the proposed outbuildings are not considered to overdevelop the site. The outbuildings have mono pitched roofs with a low gradient and a maximum height of 2.5m for the smaller outbuilding and 2.4m for the gym/storage outbuilding which is again considered to be a modest height and therefore these would not be highly visible from the road as they would not project significantly above the height of a standard boundary treatment.
- 7.1.8. The proposed outbuilding to the eastern side is sited to be used as a gym and storage. There is however a bathroom and a kitchen area within the outbuilding which could be easily convert to an annex type accommodation in the future. To ensure that the outbuilding is used as only incidental use to the main dwelling it is considered that conditions should be imposed to restrict its use and limit the sink/kitchen area so that no primary cooking facilities are provided.
- 7.1.9. On balance, having regard to the form, scale, siting and proposed materials it is considered that the proposal would not appear out of character with surrounding development or the area generally.

7.2. Highways impact – Acceptable

- 7.2.1. 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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.2.2. The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed
- 7.2.3. London Plan and BLP 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
- 7.2.4. The loss of a parking space by way of the conversion of the garage has already been found to be acceptable in the previously permitted application ref. 18/05087 and it is still not considered to result in a harmful impact upon on-street parking levels due to there being sufficient spaces within the site's curtilage for at least 2-3 vehicles. Therefore, no objections were raised to the proposal by Highways Officers.

7.3. Neighbouring amenity – Acceptable

- 7.3.1. 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.
- 7.3.2. The proposed rear dormer would have the same size as the previously permitted dormer under ref. 18/05087 and therefore its scale and bulk has already been considered acceptable under the original permission. The proposed windows have however been altered, there would continue to be three rear openings however the two have been enlarged to form glazed doors with Juliet balconies and enlarged in width by 0.2m and the third window which serves the en-suite has been increased in size from 0.6m wide by 1m high 1.3m wide by 1.2m high however, it has been brought further back from the side wall from 0.4m to 1.1m therefore further from the neighbouring properties at No. 14 and 7 Gossington Close.
- 7.3.3. Despite the increased glazing to the rear, the resulting overlooking from the enlarged windows is not considered to materially change the level of overlooking over the existing widows as the outlook would be broadly the same as that

already permitted as the windows are in a similar position and have only a slight increased width by 0.2m and it is not considered to exacerbate the existing situation, as views exist from the upper floor windows of the property into the gardens of the adjacent neighbouring properties either side of the site and to the rear.

- 7.3.4. To the west side of the dormer, the bedroom window would be well set back from this side boundary as there would be a en-suite window nearer to the boundary which could be restricted to obscure glazing to prevent any experienced or perceived overlooking to No. 14. The proposed dormers are not considered to result in a significant loss of privacy given there are already large first floor rear windows.
- 7.3.5. The proposed dormer would be stepped down from the main ridge height and would not project beyond the rear elevation of the existing property therefore it is not considered that the proposal would result in a significant level of overshadowing over the existing level resulting from the orientation of the properties to the north east at the rear.
- 7.3.6. The proposed ground floor front window which would replace the garage door would be situated adjacent to the front driveway and garage of No. 14 and therefore would not overlook any private outdoor amenity space or the windows of this neighbouring dwelling.
- 7.3.7. On balance it is not considered that the proposed amended fenestration to the dormer would result in any further loss of privacy to an extent which would be seriously harmful to the amenity of the neighbouring properties.
- 7.3.8. The proposed outbuildings to the rear of the site would be situated at a distance of at least 10.1m to the neighbouring properties either side of the site and would be in fairly close proximity to the neighbouring properties to the rear of the site with a separation of 0.5m to the rear boundary and a minimum of 3.8m to the neighbouring properties. The proposed outbuildings would have a very modest mono pitched roof height of a maximum of 2.5m and eaves height of 2.3m therefore it would not project significantly above the boundary treatment. Taking into account the gap to the boundaries and modest height it is not considered that the proposal would result in an overbearing visual impact or loss of outlook, light or privacy to the neighbouring dwellings.
- 7.3.9. The proposed porch would be set back by from the shared boundary with No. 14 by 4.8m and it would have a modest size with a depth of 1.4m and height of 2.3m and it would not project beyond the front gable elevation. Therefore, it is not considered to result in a loss of outlook, light or privacy to this neighbouring property.
- 7.3.10. Objections have been raised by local residents which relate to covenants applied to the property which restrict the type of development which can be carried out. This is however separate from the planning process and

therefore would not be a material considerations for this application. The applicant may need to seek other authorisations other than planning permission for the development.

7.3.11. Additionally, the objections make reference to other applications for loft extensions and garage conversions. In the case of the garage conversion, the example given of a refusal at No. 8 under ref. 95/01512 is from many years ago under previous planning policies and there have been more recent examples of garage conversion being permitted including a previous application at this site (ref. 09/02598/FULL6) and another example at No. 5 under ref. 16/01154. Furthermore, no objections were raised by the Highways Officer. The comments also relate to a rear dormer at No. 8, this dormer has the benefit of a lawful development certificate granted for an existing development under ref. 15/05333 and another refused application for a rear dormer at No. 6 Gossington Close (ref. 12/02672). However, each application should be considered on its own merits having regard to the planning history of the site and the specific site and its context.

7.3.12. Having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

7.3.13. Subject to the imposition of conditions regarding the use and retention of obscure glazing to the upper floor flank and ensuite bathroom rear windows, it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

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.

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 compliance with plans**
- 2. Matching materials**
- 3. Obscure glazing to first floor flank and rear en-suite windows**
- 4. Outbuildings incidental use only**
- 5. A full kitchen / cooking facilities not to be installed**

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