

Agenda Item 4.1

Committee Date	25.01.2021	
Address	182 Petts Wood Road Petts Wood Orpington BR5 1LG	
Application Number	20/04001/FULL1	Officer - Jacqueline Downey
Ward	Petts Wood And Knoll	
Proposal	Retrospective application for single storey rear extension to restaurant.	
Applicant	Agent	
Mr Ahmet Ciftal	Mr A MARTIN	
182 Petts Wood Road Petts Wood Orpington BR5 1LG	Crown House Home Gardens Dartford DA1 1DZ	
Reason for referral to committee	Call-In	Councillor call in Yes

RECOMMENDATION	REFUSED
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Station Square Petts Wood Biggin Hill Safeguarding Area London City Airport Safeguarding Secondary Shopping Frontage Smoke Control SCA 4</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Class E - Restaurant	140
Proposed	Class E - Restaurant	200

Representation summary	Letters to neighbours were sent out on the 22.12.2020 and again on the 07.01.2021	
Total number of responses	11	
Number in support	0	
Number of objections	11	

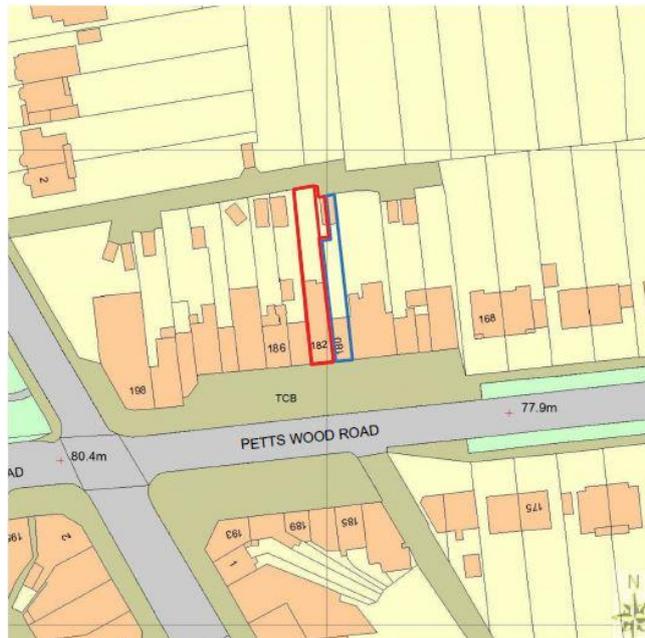
1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would detract from the Station Square, Petts Wood Conservation Area
- The proposed extension would be harmfully out of scale with the surrounding development and result in an overdevelopment of the site
- The proposal would result in a harmful loss of amenity to local residents.
- It would have an unacceptable impact on the health of three TPO trees
- Insufficient detail and information has been provided to demonstrate that extraction flue will not give rise to noise and nuisance.
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2. LOCATION

- 2.1. The application site lies on the northern side of Petts Wood Road within a row of commercial units on the ground floor. The site lies within the Petts Wood Conservation Area and Petts Wood Secondary Shopping Frontage.
- 2.2. A blanked TPO covers the three trees to the rear of the site (TPO ref. 347).
- 2.3. The application site is not a listed building.

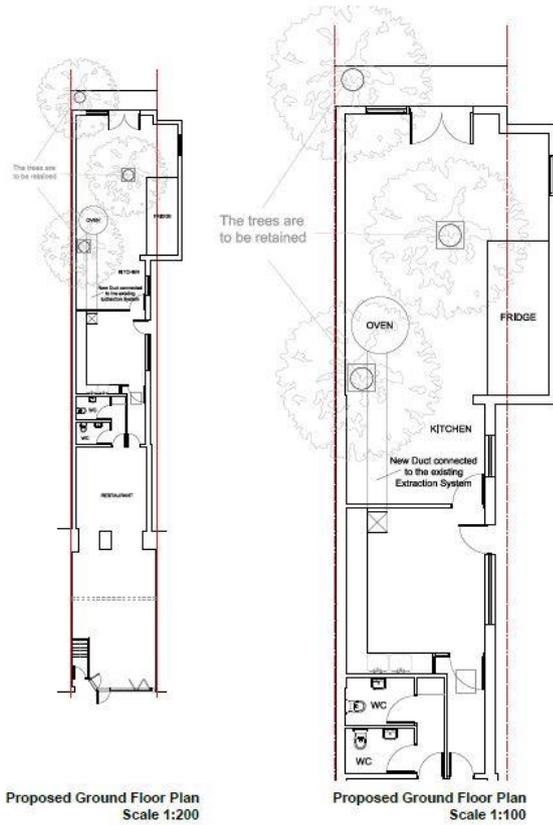
2.4. Site location plan:



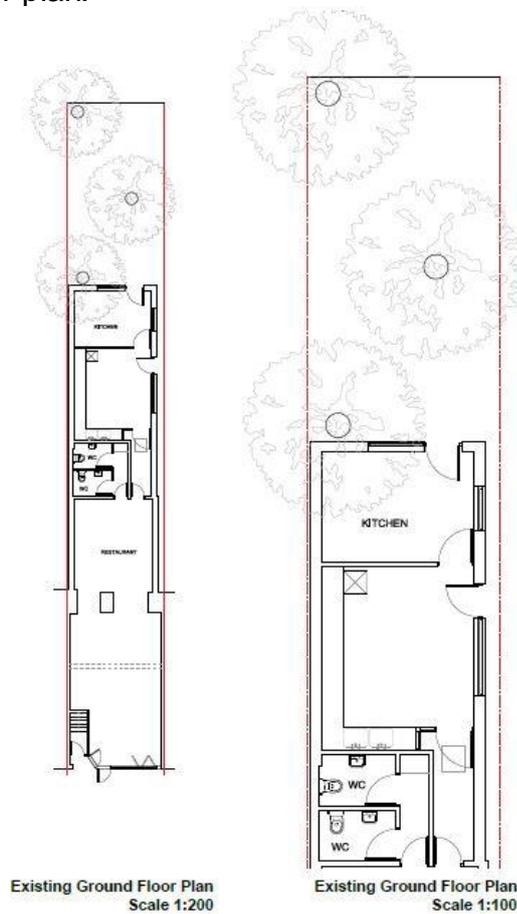
3. PROPOSAL

- 3.1. The application is retrospective and planning permission is sought for a single storey rear extension to the restaurant at No. 182 Petts Wood Road. The proposed extension extends from a previous single storey rear extension and has a depth of 8.8m and a width of 6.5m reducing to 5.1m at the rear of the extension. The rear extension has a flat roof with a height of 3m. The proposed extension encloses two TPO trees (ref. 347) which are boxed in within the interior of the extension with windows and a gap around the trunks in the flat roof. The rear extension serves as an extension to the existing kitchen of the restaurant and incorporates a pizza oven.
- 3.2. An extraction flue has been installed on the flat roof of the previous rear extension with a maximum height of 5.1m.
- 3.3. The application was supported by the following documents:
 - Retrospective arboricultural assessment
 - Photographs

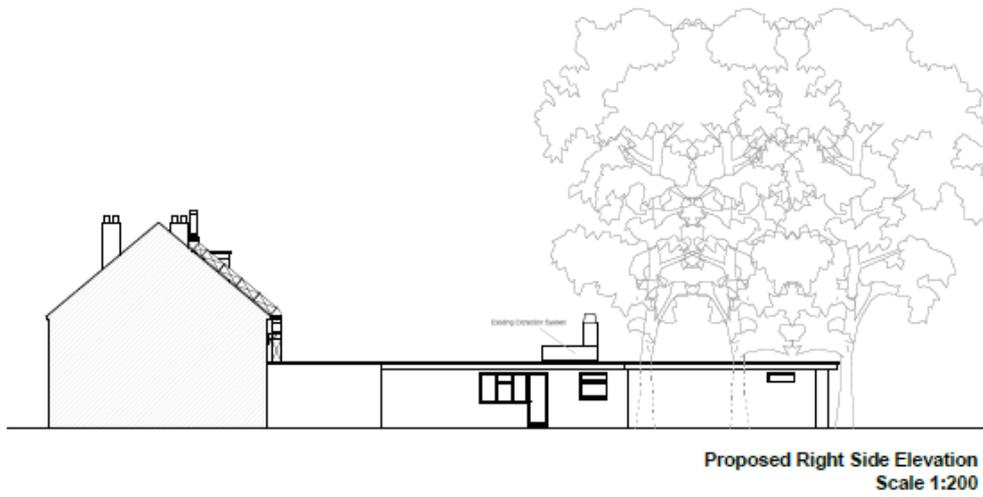
3.4. Proposed ground floor plan:



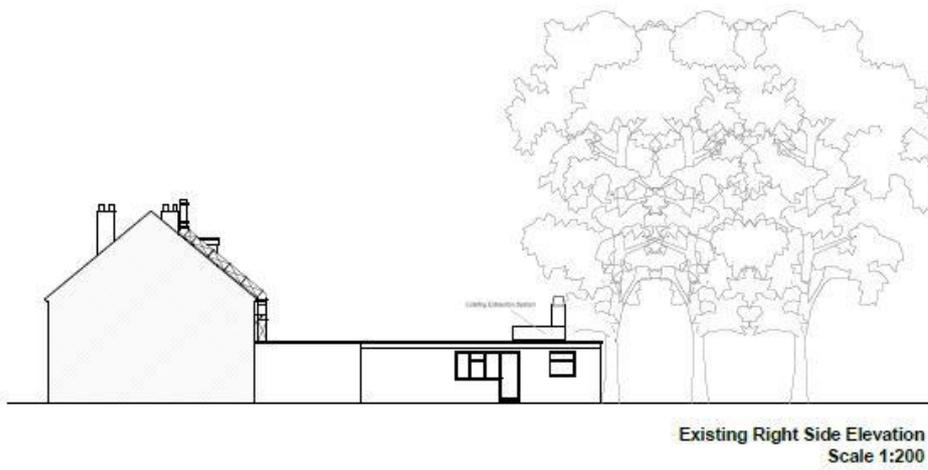
3.5. Existing ground floor plan:



3.6. Proposed east side elevation:



3.7. Existing east side elevation:



3.8. Exterior photographs of the extension taken 09.11.21:





3.9. Interior photographs of the extension





4. RELEVANT PLANNING HISTORY

- 4.1. 15/04844/FULL1- Single storey rear extension Permitted
- 4.2. 16/03907/FULL3 - Change of use from retail (use class A1) to restaurant (use class A3) and associated ducting to rear elevation. Permitted
- 4.3. 17/00665/FULL1 - Change of use from Class A3 (restaurant / café) to mixed use Class A3/A5 (restaurant / café / take away). Approved
- 4.4. 17/01720/FULL1 - Installation of new shopfront with bifold doors (Retrospective) Refused and subsequently dismissed on appeal

5. CONSULTATION SUMMARY

A) Statutory

- *Environmental Health – Objection* - The Ground Floor plan shows the extension of the kitchen. As can be seen from the rear elevations and the image below this does include an additional low level duct discharge.

Looking at the satellite Google Image, the new low level duct they've introduced is within 15 metres from the window of the flats above 182 Petts Wood Road. Where this is the case and the duct is below the height of the window, which this clearly is we would expect to see high or very high level of odour abatement. 'Further information should be provided and supplied by a qualified design and installation specialist and show that the duct ventilation system will meet the requirements for a high level of odour abatement in accordance with the EMAQ - Control of Odour and Noise from Commercial Kitchen Exhaust Systems - 2018:

<https://ee.ricardo.com/downloads/air-quality/control-of-odour-and-noise-from-commercial-kitchenexhaust-systems> . The nearest window is above the height of the low level discharge and is within 15 metres from the windows of the flats above 182 Petts Wood Road and adjacent properties.

The Council as a rule only accepts high level discharge for new installations and would be minded to refuse, so they will need to prove that the odour and noise control (which should also be detailed) from this retrospective application will not give rise to nuisance.'

- **Trees – Objection** - This site is within the Petts Wood Conservation area and has 3 trees that have been subject to the protection of a TPO since 1986. Being tall trees with large canopies, they are easily visible from surrounding gardens and dwellings. The submitted Arboricultural Impact Assessment categorises two of the three Oaks as category A trees.

The proposed development involves the enclosure of the lower section of the stems of 3 trees within a building, the construction of foundations within the RPA of all 3 trees and the covering of their RPA with hard standing. The impact of such works has not been assessed within the Arb Impact Assessment, which only considers the additional impact of a smaller aspect of construction (more recently carried out.)

An objection is raised for the following reasons:

- a) Lack of information:
- b) Unacceptable impact on the health of x3 TPO Oaks, two of which are Cat A tree:
- c) Future pressure to prune/remove:
- d) Opportunity for remediation:

Points b) and c) can be remedied by the removal of the built structure and the hard standing around the trees. Such action would be beneficial for the trees' health and longevity.

The proposal conflicts with policies 43 and 73 of the Bromley Local Plan.

- **Highways – No Objection** - If extension is not for a seating area.

B) Local Groups

- Petts Wood and District Residents' Association made the following objections;

Parking (addressed in para 7.4)

- Section 9 of the application form states that no parking has been lost. This is incorrect with the former 2 car parking spaces being built over as a result of building work occurring at these premises. Therefore, 2 parking spaces have been lost.
- no parking provision has been allowed for the residential accommodation above these premises.
- against Bromley Local Plan (BLP) Policy 30 – residential parking standards.
- Vehicles attached to this unit now park in the access road.
- caused issues with neighbours who use this access road.
- if emergency vehicle had to attend a property then likely their access would be blocked by parked vehicles on a daily basis in this access road.

- allocated space for this should be indicated on submitted plans; no space appears to have been allocated. This is contrary to BLP Policy 37.
- Parking in access and skip against the rear fence of 163 Kingsway combine to give a loss of residential amenity for properties in Kingsway whose rear gardens share a boundary with the access road.
- These residents have/will suffer increased vehicular noise as vehicles now manoeuvre closer to their boundary than before
- The impact of the building and the resultant displaced parking will have a visual impact upon the Conservation Area.

Impact on protected trees (addressed in para 7.7)

- Protected trees - 2 out the 3 growing onsite have been fully enclosed by this development and third situated immediately against the rear wall.
- roots being covered by hard standing
- contrary to BLP Policies 37, 41 & 43.
- trees have protection with a long-standing Tree Preservation Order.
- PWDRA has significant concerns that the trees will perish.
- These oak trees provide a verdant backdrop and are remnants of the oak woods that used to thrive in this area.
- a report has been submitted by an arboricultural specialist, they would not have seen the site prior to development and is therefore unaware of the appearance of the trees prior to building work, particularly T3, which is now indicated as being in poor health.
- The long-term health of the three oak trees is a concern as these provide a sylvan backdrop to the Station Square Conservation Area which would be impacted should the trees die.

Skip in rear access way (addressed in para 7.5)

- skip could also be a source of vermin and more general pollution which once again affects residential amenity

Overdevelopment (addressed in para 7.2)

- over-development of the premises/site and respectfully request that retrospective planning permission be refused

C) Adjoining Occupiers

Impact on protected trees (addressed in para 7.7)

- Concerned that oak trees will have been badly affected by general construction and the thick layer of concrete covering the whole arear
- trees are within the kitchen of this property with the trees now surrounded by concrete. The 3rd tree is just outside the rear wall of this extension
- negative impact on the root system of these trees owing to the weight of the additional construction and the loss of permeable areas around these trees.
- One of the trees is not getting enough water so dying

- "Tree Specialist's" site visits and report was made months after the construction completed and hence cannot have adequately assessed the before & after status, nor the initial health of the trees.
- Trees within a Kitchen simply makes no sense for hygiene reasons
- the pizza oven it really cannot be used, thick black smoke comes out of it within the trees themselves and I think that should be removed

Parking (addressed in para 7.4)

- Used to parking behind the old kitchen now gone
- Additional parking burden on local area
- Always one or more cars blocking the service road

No storage or area for waste bins (addressed in para 7.2)

- Don't seem to have any waste bin arrangement

Blocking access way (addressed in para 7.2 and 7.5)

- In the time the extension has been built the road has been clogged with parked cars, skips,
- and building materials..
- makes waste collection for Indian Essence difficult and would hinder a fire engine
- Should be no parking or skips in access road, has caused terrible traffic jams on local roads

Overdevelopment of the site (addressed in para 7.2)

- Site has been overdeveloped
- Have built on every inch of land

Impact on Conservation Area (addressed in para 7.3)

- Entire purpose of Conservation Area and Tree Preservation Orders will be brought into disrepute should this extension be allowed

Use of the extension (addressed in para 7.5)

- no guarantee this would even remain a kitchen if approval were provided.
- Unclear why this unit which is currently operating as a Cafe would require this extensive development.
- concern is that there might be a future intention to utilise this kitchen for purposes other than servicing the cafe at this property

Continued works after enforcement action (addressed in para 7.5)

- Continued works after enforcement action taken

Impact on amenity of local residents (addressed in para 7.5)

- Reduced amenity to back gardens of residents of 163 Kingsway as skip backs onto their fence
- Our garden as does our neighbour in Petts Wood Road now floods with heavy rain due to the road being disturbed by heavy machinery and constant traffic (this is not entirely the fault of this property, the other businesses contribute to this too) creating gullies to the road end where the water collects at its lowest point

namely neighbouring houses' gardens, sheds and garage which are at the end of the access road

- noise both at the front and now the back x 7 days a week. Not fair on residence
- at no point do we want the cooking of bbq meats etc done outside, the smell and smoke is awful and enters my property and stinks.

Blocking of access to first floor flats and fire safety concerns (addressed in para 7.5)

- Fake grass in the extension is that fire proof and is there a fire exit
- The blocking off of rear access to two other businesses and the flats, so their access is only through the extension by way of a key. What about if there is a fire in there. This will cause issues in the future.
- they have blocked off the flat access above so the tenants have to walk through people eating to get into their flat.

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 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

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. London Plan Policies

Policy D1 London's form, character and capacity for growth
D4 - Delivering good design
D14 - Noise
HC1 - Heritage conservation and growth
E9 Retail, markets and hot food takeaways
G7 Trees and woodlands
SI1 - Improving air quality
T6 - Car Parking
T6.1 - Residential Car Parking

6.6. Bromley Local Plan

37 General Design of Development
41 Conservation Areas
43 Trees in Conservation Areas
73 Development and Trees
94 District Centres
119 Noise Pollution
120 Air Quality
121 Ventilation and Odour Control

6.7. Supplementary Planning Guidance

SPG1 – General Design Principles
SPG for Station Square, Petts Wood Conservation Area

7. ASSESSMENT

7.1. Principle

- 7.1.1. Policy 94 relates to district centres and states that the council will the council will consider a change of use away from class a1 where the proposal would meet all of the following criteria:
- a - the use would provide a service that complements the shopping function of the centre,
 - b - not harm the retail character, attractiveness, vitality and viability of the centre including unreasonably reducing the number of class a1 units,
 - c - retain an appearance which is compatible with the adjoining shops/premises, and
 - d - provide an active frontage at ground floor level.

Elsewhere within the town centre boundary, development proposals will be encouraged and expected to contribute positively to the vitality and viability of the town centre.

- 7.1.2. The site is located within the commercial units within the area of Station Square, Petts Wood which is designated as a district centre in the Bromley Local Plan and the property is situated within a Secondary Shopping Frontage. The proposal is for a single storey extension to the ground floor unit which is a café/restaurant (Use Class E) to enlarge the existing kitchen facilities. Therefore, the above policies are considered to be applicable.
- 7.1.3. The application property is a mid-terrace ground floor commercial unit and residential accommodation above.
- 7.1.4. The proposal will not involve a change in use of the existing café/restaurant and the proposal would enlarge the existing kitchen which would support the continued viability and functioning of the unit. The proposed extension would however cover much of the existing rear site area which may compromise on other facilities such as staff parking, waste storage and management and servicing. Although this may not necessarily result in the loss of the unit and impact on the vitality of the district centre and secondary shopping frontage, however it does indicate an overdevelopment of the site and its impact on the neighbouring amenity, local character, heritage and highways impact must be considered within the paragraphs below.

7.2. Design

- 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 (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.
- 7.2.3. 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.

- 7.2.4. 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. The property has already been extended significantly to the rear with a single storey extension to the restaurant/café ground floor unit under planning permission ref. 15/04844/FULL1 and the proposed extension would increase the depth of rear projection by a further 8.8m which is substantial.
- 7.2.6. Other neighbouring units have been extended significantly to the rear with single storey and two storey extension however, these do not extend almost right up to the rear boundary. This proposal is built 1.1m from rear boundary which leaves little space for a service yard, employee or residents parking or waste storage which is indicative of an overdevelopment of the site.
- 7.2.7. Furthermore, the proposal also extends into the neighbouring site, increasing the width of the existing extension and main building from 4.7m to 6.5m. It is therefore considered that the proposed extension, covering nearly all of the site area and being built in close proximity to the rear boundary which leaves little space for a servicing of the unit such as employee or residents parking or waste storage which is indicative of an overdevelopment of the site. It is therefore considered that the proposal would appear more prominently than the other already significant extensions in the terrace and would appear out of scale and a cramped overdevelopment of the site, harmful to the visual amenity of local residents.

7.3. Heritage Impact

- 7.3.1. 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.
- 7.3.2. 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.
- 7.3.3. Within or adjacent to a Conservation Area:
- 7.3.4. 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.

- 7.3.5. 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.
- 7.3.6. In addition to the significant scale of the proposed extension and cramped appearance, the proposed extension is constructed around two trees which are covered by a Tree Preservation Order (TPO) together with hardstanding covering the ground around the roots, an enclosure of part of the trunk and with windows and the structure of the building with limited space around the trees. The extension is also built in very close proximity to the third tree on the site.
- 7.3.7. The impact of this proposal on the trees would appear to be negative and harmful in the Conservation Area. Although this proposal will not be widely seen, the trees are seen and the Conservation Officer has objected to the proposal on this basis.
- 7.3.8. It is stated within the Conservation Area of Station Square Petts Wood SPG that "Petts Wood was developed during the 1930's, in a manner inspired by the Garden City movement and the pioneering work of Ebenezer Howard." With regards to trees, it is further stated within the SPG that "the square contains a number of semi-mature and mature trees that contribute towards its appearance. The Council will encourage the retention and, where necessary, replacement of trees. The loss of significant trees will be resisted." The Conservation Area is therefore characterised by mature and semi-mature trees and has a verdant appearance which contributes to its garden suburb appearance, this includes the trees to the rear of No. 182 which are visible from some views within the Conservation Area and contribute to its character.
- 7.3.9. The trees are mature and significant in height and form part of a grouping of trees that have a positive contribution to the Conservation Area. In the view of the Tree Officer, the proposed enclosure of the lower section of the trees would have an unacceptable impact on the health of the trees and their longevity as set out in section 7.7 of this report. The square contains a number of semi-mature and mature trees that contribute towards its verdant appearance. The impact of the proposal on the trees is therefore considered to have a harmful impact on the Conservation Area which would detract from its character and appearance.

7.4. Highways

- 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 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.

- 7.4.2. 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.
- 7.4.3. 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.
- 7.4.4. The proposed extension does not involve any additional seating area, it is to extend the kitchen to the restaurant as such there are no objections from a Highways point of view as the proposal would not give rise to additional customer seating area and therefore would not result in a significant increase in customers visiting the premises by car and would not have a significantly harmful impact on street parking and traffic conditions in the local area.

7.5. Neighbouring amenity

- 7.5.1. 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.
- 7.5.2. The proposed single storey rear extension would have a considerable depth when combined with the existing rear extension resulting a total depth of 25.1m and there are residential properties in the upper floors of the host property and neighbouring properties with main windows to the rear. The proposed extension would not be directly adjacent to the rear windows of the flat above the units of the host property and neighbouring sites, the substantial size of the extension and cramped appearance of the plot which would result in a harmful impact on the visual amenities of local residents.
- 7.5.3. The ventilation duct installed on the roof of the existing rear extension having a width of 2.4m and a height of 2.1m above the flat roof of the extension which to the front of the first floor windows of the first floor residential accommodation and just below the height second floor windows would appear large and unsightly, affecting the visual amenities and outlook of the upper floor flats.
- 7.5.4. Concerns were raised by the presence of the skip to the rear of the site. The skip does not form part of the application proposal. It was noted during a recent site visit (09.11.21) that the skip had been removed and therefore it was likely only used during the construction of the extension. If a skip is reinstated at the site and no construction is ongoing then it would be liable to enforcement action.

7.5.5. Concerns were also raised regarding any future use of the extension other than as a kitchen and that the construction works continued after enforcement action. The proposed plans indicate a proposed use as a kitchen for the existing café/restaurant and therefore the proposal has been assessed on that basis. If the application were otherwise permitted, any future change in use of the extension which would amount to a material change of use would require a further planning application. In regards to the construction works continuing after an enforcement investigation, the continuation of the works before the planning application is determined is at the applicant's own risk.

7.5.6. It is also raised by local residents that the use of fake grass within the extension and the blocking up or removal of a rear access to the upper floor flat. The internal materials used do not form part of the planning application and this may refer to the outdoor seating structure on the site of No. 180 which is subject to a separated application ref. 21/03023 which has not currently been validated. However, having looked at the plans submitted and some site photographs for previous application such as the original rear extension ref. 15/04844/FULL1, there does not appear to be a stairwell providing access to the flat to the rear, only a rear door providing access to the roof of the single storey rear extension.

7.6. Noise and pollution

7.6.1. Comments have been received from the Environmental Health Officer who raises concerns with regards to the newly erected flue and extraction system on the flat roof of the ground floor rear extension to the restaurant, within close proximity to the windows of the first and second floor flat. The ventilation duct was erected on the roof of the previous rear extension however it did not form part of the planning permission for the extension under ref. 15/04844/FULL1 and does not benefit from any subsequent planning permission. No details of the specification of the flue/extraction system have been forthcoming nor has an acoustic assessment and whether it would meet the requirement of high level odour abatement in order to assess the impact of the flue upon nearby residential accommodation. The flue extracts within close proximity to the first floor windows, the impacts on which needs to be assessed. Environmental Health as a rule only accept high level discharge for new installations and would object to the proposal, it would need to be demonstrated that the odour and noise control (which should also be detailed) from this retrospective application will not give rise to nuisance.

7.7. Trees

7.7.1 This site is within the Station Square, Petts Wood Conservation Area and there are three trees which are protected by virtue of a TPO since 1986. Being tall trees with large canopies, they are easily visible from surrounding gardens and dwellings. The submitted Arboricultural Impact Assessment categorises two of the three Oaks as category A trees.

7.7.2 The proposed development involves the enclosure of the lower section of the stems of two trees within a building and would be constructed in very close proximity to a

third tree which would involve the construction of foundations within the RPA of all 3 trees and the covering of their RPA with hard standing. The impact of such works has not been assessed within the Arboricultural Impact Assessment, which only considers the additional impact of a smaller aspect of construction, more recently carried out. The arboricultural assessment is retrospective and therefore the conditions of the trees prior to the extension being constructed would not have been possible to assess.

- 7.7.3 The submitted Arboricultural Impact Assessment does not view the enclosure of the trees within the building as harmful to their health. However, the Council's Tree Officer's view is that the effects of enclosing of the lower stems within a building, subject to heating, are not well researched, most likely because it is highly unusual, counter-intuitive and likely to have significant negative effects for tree health, for example through the promotion of decay fungi activity.
- 7.7.4 The construction of foundations may have involved root loss, the effects of which may take years to show in the canopy. The covering of the ground with hard surface including the additional layer of concrete internal floor surfaces and any finishes, reduces the exchange of gases at the soil surface and prevents rainwater infiltration, worsening soil conditions for roots which will affect tree health. The effects may take years to show in the canopy. The effects of enclosing of the lower stems within a building, subject to heating, are not well researched, most likely because it is highly unusual, counter-intuitive and likely to have significant negative effects for tree health, for example through the promotion of decay fungi activity.
- 7.7.5 The location of the built structure directly beneath the canopies increases both the likelihood of contact with a target in the event of any failure and the severity of the consequences in the event of any failure such as the branches falling. These are unavoidable consequences that cannot be ignored by tree officers dealing with applications for works to protected trees, that may otherwise not have been submitted.
- 7.7.6 It is considered that the proposed built structure and hard surfacing around the trees and close proximity to the third tree would have an unacceptable impact on the on the health and longevity of the three TPO Oak trees, two of which are Category A trees, by worsening soil conditions for roots, increase pressure to prune the tree unnecessarily and effects of enclosing of the lower stems within a building, thereby diminishing or removing its public amenity value and its contribution to the Conservation Area. The proposal therefore conflicts with policies 43 and 73 of the Bromley Local Plan.

8 CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is unacceptable in that it would result in a harmful overdevelopment of the site resulting in a harmful impact to the visual amenities of local residents and it

would detract from the Character of the Station Square Petts Wood Conservation Area and the visual amenities of the area generally.

- 8.2 It is also considered that the proposal would result in an unacceptable impact on the health of three TPO oak trees of which two are enclosed within the built structure and one is in very close proximity to the rear of the structure which would diminish or remove their public amenity value and their contribution to the Conservation Area.
- 8.3 Furthermore, insufficient detail and information has been provided to demonstrate that the low level extraction flue to the roof of the single storey extension to demonstrate that the odour and noise control from this retrospective application will not give rise to nuisance.
- 8.4 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.

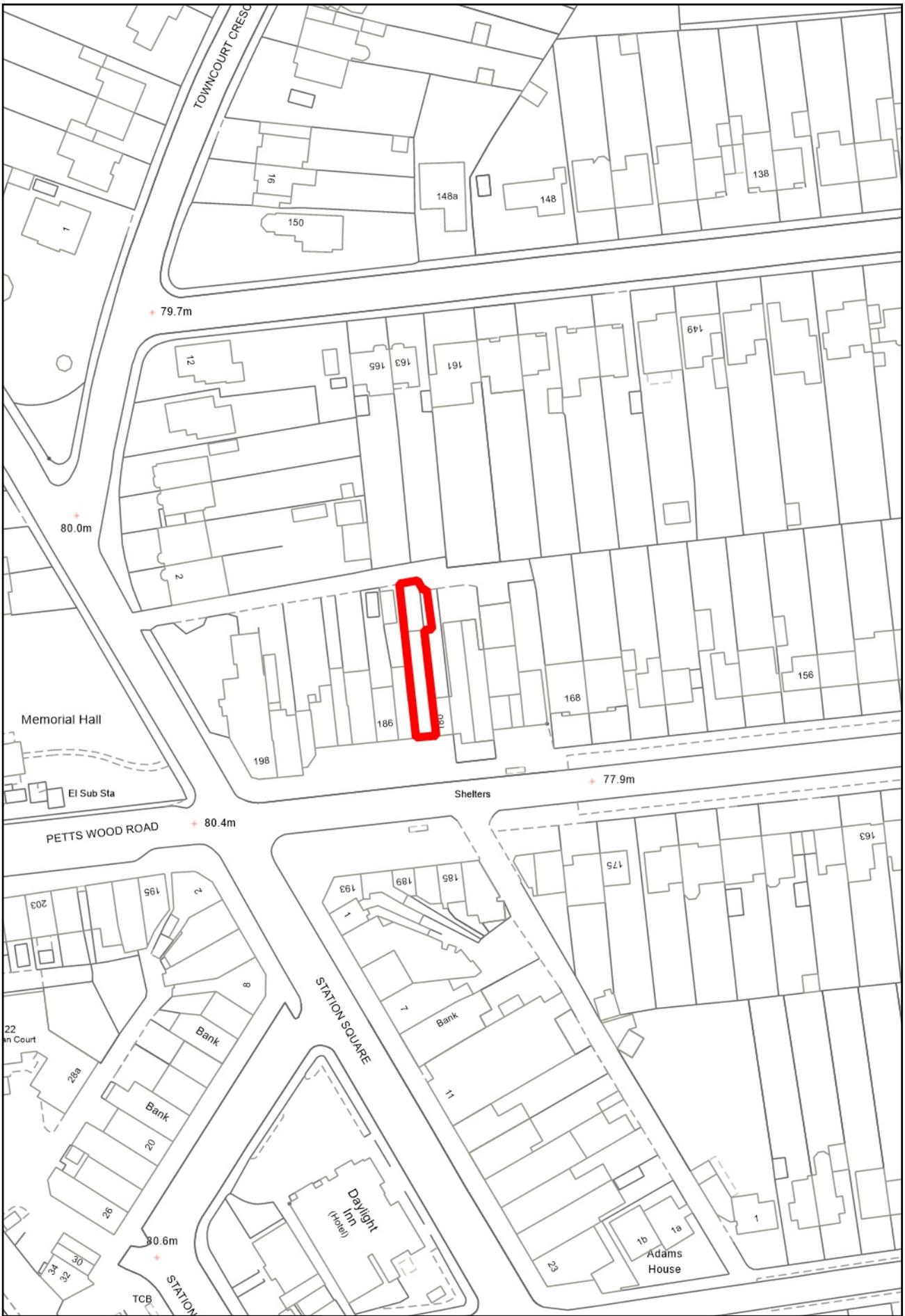
RECOMMENDATION: REFUSED

For the following reasons:

1. The proposal, as a result of the substantial site coverage and depth of rear projection which would be out of scale with the surrounding development and would result in a cramped overdevelopment of the site which would severely restrict the facilities and functioning of the unit such as waste storage and servicing which would result in added pressure on the access road to the rear and a detrimental impact on the amenities of local residents, contrary to Policy 37 and 43 of the Bromley Local Plan.
2. Insufficient information has been provided to demonstrate that the duct ventilation system will meet the requirements for a high level of odour abatement given the location of the low level duct which is in close proximity to the upper floor residential units and below their window height, the new extraction system could impact detrimentally upon the residential amenity of the owner/occupiers of the first floor flats of the host building and neighbouring sites contrary to policy 121 of the Bromley Local Plan, Policy 121 of the London Plan.
3. The proposed development would result in an unacceptable risk of harm to three valuable oak trees which are protected by a Tree Preservation Order, and insufficient information has been submitted to provide reassurance that any such risk can be controlled to within acceptable levels, contrary to Policy 73 of the Bromley Local Plan.

Any other planning refusal ground considered necessary by the Assistant Director of Planning.

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