

Committee Date	6 th July 2023	
Address	123 Kings Road Biggin Hill TN16 3NH	
Application Number	22/02547/FULL1	Officer - Lawrence Stannard
Ward	Biggin Hill	
Proposal	Single storey rear extension to provide additional space for the veterinary surgery,	
Applicant	Agent	
Mr David Anderson		
123 Kings Road Biggin Hill TN16 3NH		
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes – Cllr Stevens Impact from existing premises in terms of noise and vehicle movements within residential area. Query effectiveness of existing conditions to protect residential amenity. Call-in requested to allow residents to state their case

RECOMMENDATION	Permission
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KEY DESIGNATIONS Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 24
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Representation summary	<ul style="list-style-type: none"> Neighbour notification letters were sent on the 4th November 2022.
Total number of responses	183
Number in support	147
Number of objections	36

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the appearance of the host dwelling.
- The development would not result in a harmful impact on the character of the area.
- The development would not result in an unacceptable impact upon the amenities of neighbouring residential properties.
- The development would not result in an unacceptable impact upon highways matters.

2 LOCATION

- 2.1 The application site hosts a two storey detached building on the south-eastern side of Kings Road.
- 2.2 The property is currently in use as a veterinary surgery, though is situated in a predominantly residential area.



Figure 1: Site Location Plan

3 PROPOSAL

- 3.1 The application seeks permission for a single storey rear extension to provide additional space for the veterinary surgery.
- 3.2 The proposed extension would have a depth of 7.94m and width of 8.5m, featuring a flat roof with a height of 2.65m.
- 3.3 The extension would enable the provision of a sterile theatre, x-ray room, preparation area and storage area in order to allow the veterinary surgery to meet the RCVS Practice Standards Scheme.



Figure 2: Existing and Proposed Floor Plans



Figure 3: Existing Elevations

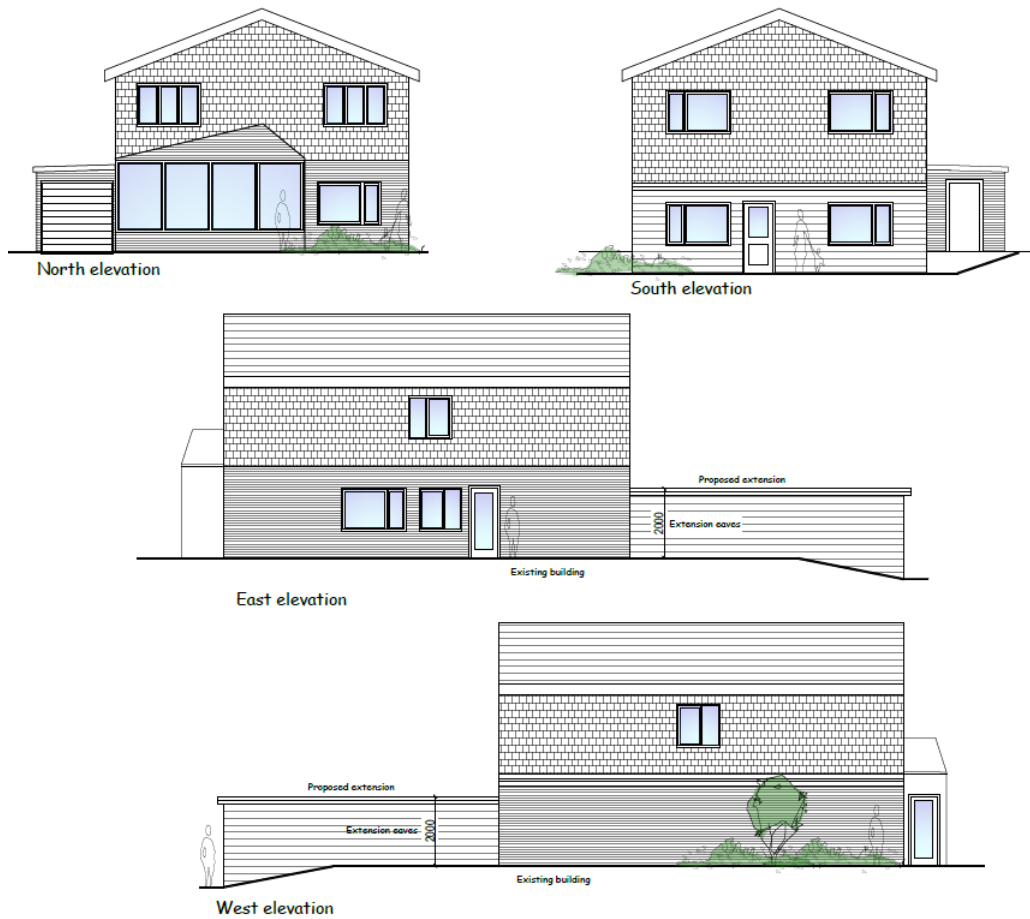
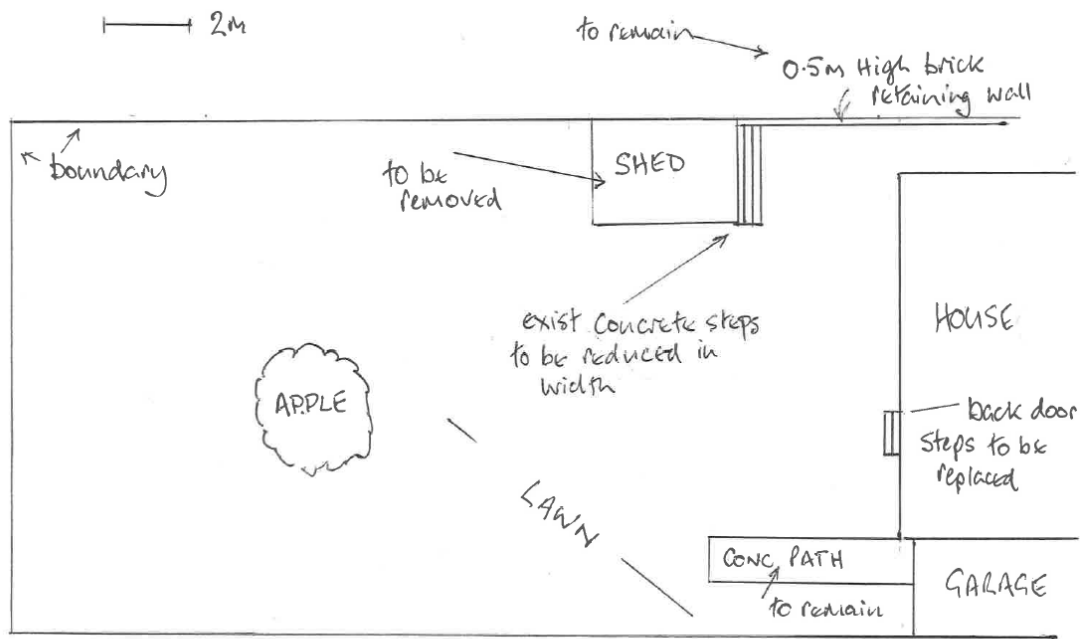
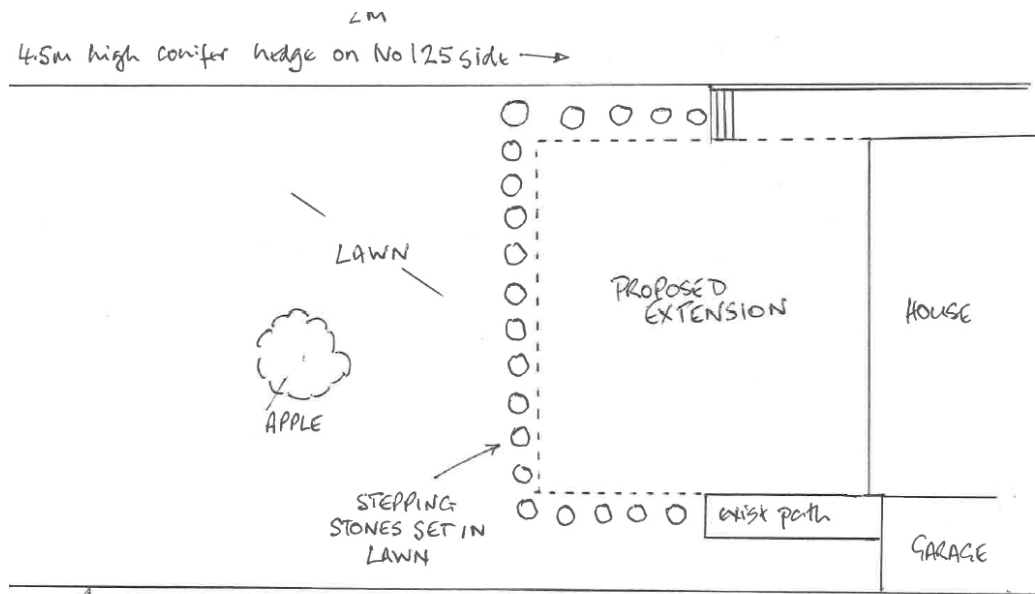


Figure 4: Proposed Elevations



EXISTING REAR GARDEN
123 KINGS ROAD TN16 3NH (garden plan 1)

Figure 5: Existing Site Plan



↑ exist fence to remain

PROPOSED REAR GARDEN PLAN
123 KINGS ROAD (garden plan 2)

Figure 6: Proposed Site Plan



Figure 7: Photo of Rear Elevation

4 RELEVANT PLANNING HISTORY

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

- 84/02143/FUL - Dormer extension - Permitted
- 87/03529/FUL - Single storey rear extension and conversion of existing garage to form part of veterinary surgery - Refused
- 88/00357/FUL - Single storey rear extension and change of use of garage to form part of veterinary surgery - Permitted
- 93/02254/FUL - Single storey rear extension - Permitted
- 00/00308/FULL1 - First floor extension to form two storey building comprising ground floor veterinary surgery with first floor three bedroom flat for staff together with new front entrance porch – Permitted
- 20/00575/FULL1 - Single storey rear extension to provide additional space for the ground floor veterinary surgery. – Refused and Dismissed on Appeal

4.2 The most recent application under ref: 20/00575/FULL1 proposed a similar extension in terms of its depth and width, however the current scheme has reduced the height of the extension above ground level. Further details of this previous application and the proposed alterations are outlined within paragraph 7.1 of this report.

5 CONSULTATION SUMMARY

A) Statutory

Highways:

- I note there are a number of objections to the proposal regarding parking, some inconsiderate and potentially causing congestion. The information supplied indicates that there would be no increase in staff numbers or change in appointment times.
- I am not clear if that means there will be no increase in the number of appointments, it would be helpful to confirm. If there is no potential change then it would be difficult to raise an objection.
- Even if there are parking issues at the moment this application would not make the situation worse. Obviously, if more animals can be treated then there will be more trips and there may be an impact.

Environmental Health:

- No objection.
- A condition is recommended to ensure all windows and door to the extension are to remain shut during veterinary treatment and other means of ventilation provided.
- Informative is also recommended to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

B) Local Groups

No Comments were received from local groups.

C) Adjoining Occupiers

The following comments were received from adjoining occupiers (summarised);

Objections

Design (Addressed in Para 7.2)

- Impact on character and appearance
- Overdevelopment of the site.
- It would be slightly deeper than the previously refused scheme (7950mm rather than 7940mm).
- No other properties have extended 8m in depth to the rear.
- Incorrect aspects in the application (guttering of 121 Kings Road is not the same level as the fence, and the ground level on 123 is the same as No.121 other than the patio area of 121 which sits lower).

Neighbouring Amenity (Addressed in Para 7.3)

- Unacceptable impact upon neighbouring amenity
- Will overshadow neighbours.
- Loss of light.
- Invasion of privacy.
- No.125s garden is predominantly to the front so it would impact upon this.
- Privet hedge on boundary with No.125 is almost dead.
- Overbearing / would have a negative visual impact.
- Concerns of noise.
- Lights are left on all night which shine into other properties.

- Practice has outgrown the area it sits within and should consider relocation to a larger premises.
- Can't believe the business would make a large investment without increasing the client base / making no return.
- Three bedroom staff flat above – why can't they use this for business use? There is no requirement from the RCVS that states staff must live on site.
- Has not overcome the previously refusal grounds / appeal decision.
- Should be in a larger business premises rather than a residential area.

Highways (Addressed in Para 7.4)

- Local neighbourhood already suffers with increase levels of noise from the practice and traffic congestion generated by it.
- Concerns over road safety.
- Will increase traffic flow and impact on air quality.
- Increase in cars will block peoples drive / bus routes / emergency services.
- No additional parking proposed.
- Will result in additional impact with construction vehicles etc blocking the road.
- Parking issues occurring from people visiting the vets have led to rude behaviour / verbal abuse to residents.

Support

- Will enable better and quicker service to existing clients.
- Would be fantastic.
- Kings Road Vets are part of the community and very successful – why would you want to stop success?
- More staff have joined but the space has remained the same – the extensions can only help matters / more space is needed.
- Fully support it.
- Would provide additional / improved services to the community.
- Would not impact the appearance of the building from the front and there is ample space to the rear of the building.
- Would not impact upon neighbours.
- Extension is to allow more efficient care of animals and services and is not in my view designed to allow for an increase in clients.
- Won't attract any more road traffic as they can only do so many appointments in a day which won't change.
- They have taken on board past comments and amended their application accordingly, including a reduction in height.
- Would improve patient / pet care.
- The Vets provides jobs in the area and also offers work experience.
- People are quite happy to park further along the road.
- Whilst parking can be difficult at times, we have always managed to find a space without inconveniencing neighbours and often on the vets own drive.

6 POLICIES AND GUIDANCE

6.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

6.2 Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

6.5 **National Policy Framework 2021**

6.6 **The London Plan (2021)**

D1 London's form and characteristics
D4 Delivering Good Design
D5 Inclusive design

6.7 **Bromley Local Plan 2019**

30 Parking
37 General Design of Development
123 Sustainable Design and Construction

6.8 **Bromley Supplementary Guidance**

SPG1 – General Design Principles
SPG2 – Residential Design Guidance

7 ASSESSMENT

7.1 Resubmission

7.1.1 The application follows a previous application for a similar single storey rear extension to the veterinary surgery, which was refused under ref: 20/00575/FULL1 on the following grounds;

1. The proposed development, by reason of its excessive depth and overall scale, would result in an incongruous and unsympathetic form of development detrimental to the character of the host building and result in significant loss of light, outlook and visual amenity to the neighbouring dwelling, contrary to Policy 37 of the Bromley Local Plan.

7.1.2 The decision was appealed, with the Planning Inspector dismissing the appeal.

7.1.3 The Inspector made the following comments which are considered relevant to the current application;

Character / Overdevelopment

- I do not consider that the depth of development on the appeal site would appear excessive or conspicuous, and the impact on the character and appearance of the area would be limited.
- In my judgement the extension would appear as a generally subservient and sympathetic addition to the building.
- While I noted a number of existing outbuildings to the rear of the appeal building, a long garden would also be maintained beyond the rear of the extension.
- There would also be spacing to the boundaries at its sides, and I am satisfied that the development would not be disproportionate to the site overall.

Impact on Neighbouring Amenity

- I find that the significant depth of the development beyond the rear of No 121 in such close proximity would be dominant and visually intrusive.
- Given the height of the development and the separation that would be provided to the boundary with No 121, I do not consider that it would result in significant overshadowing or loss of light. However, this does not outweigh the harm that I have identified would be caused in respect of outlook.
- Therefore conclude on this main issue that the proposal would be overbearing, and would cause unacceptable harm to the living conditions of the occupiers of 121 Kings Road.

Other Matters

- While I have taken into account additional concerns raised by interested parties, including in relation to noise and disturbance and parking pressure resulting from the proposal, these matters do not alter my conclusions on the main issues.

7.1.4 The current application seeks to overcome the previous refusal grounds by reducing the height of the proposed extension by 0.65m, by proposing to excavate the garden to provide a lower floor level within the extension.

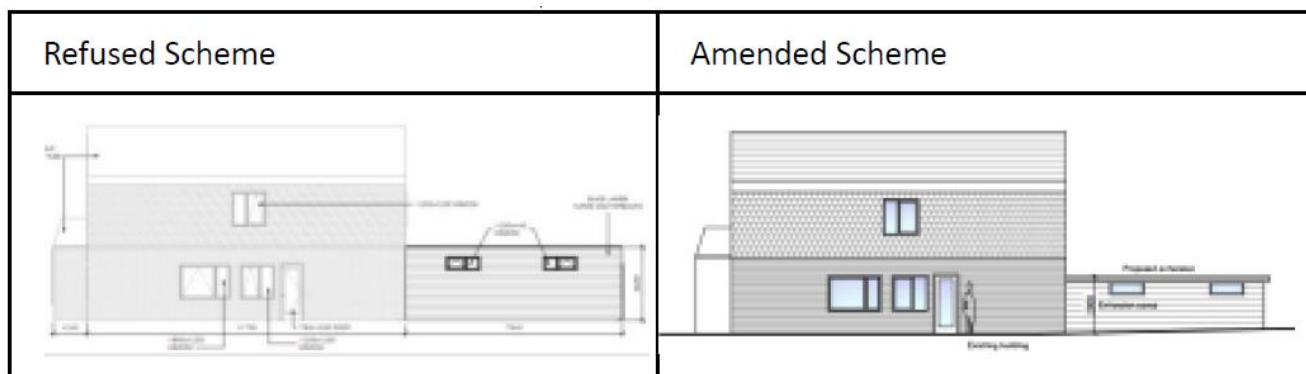


Figure 8: Side Elevation Comparison of Refused and Current Schemes

7.1.5 The use of the vets has previously been established, and therefore it is considered that the main considerations within this application would be the impact of the design of the extension and whether this would result in the over development of the site, and the resulting impact on neighbouring amenity and highways matters, as outlined below.

7.2 Design, Layout, Scale – Acceptable

7.2.1 Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. London Plan and Bromley Local Plan (BLP) policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

7.2.2 Policies 6 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design 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.

7.2.3 The proposed extension would result in a significant additional footprint to the host property given its depth of 7.94m and width of 8.5m. However, it is noted that within the appeal decision the Inspector did not consider the depth of the development would appear excessive and that a sufficient garden area would be maintained beyond the rear of the extension to ensure that the development would not be disproportionate to the site.

7.2.4 The current scheme proposes an extension with the same footprint as previously proposed, though its visual impact has been reduced by its reduction in height above ground level resulting from the lowering of the floor level into the existing ground.

7.2.5 Having regard to the Inspectors comments, it is therefore considered that the development would not be of a scale that could be considered overly excessive and that the extension would not result in an overdevelopment of the site.

7.2.6 The extension would feature a black weatherboarding external finish which would appear different to the existing property, though it is not considered that it would result in any significant adverse impact on its appearance. Furthermore, given the siting of the proposed extension to the rear of the property and would therefore not detract from the visual amenities of the street scene.

7.2.7 Having regard to the above, and the scale, siting and proposed materials of the development, it is considered that the proposed extension would not be harmful to the appearance of the host property, would not result in an overdevelopment of the site, and would not result in any unacceptable harm to the visual amenities of the street scene.

7.3 Residential Amenity – Acceptable

7.3.1 The adjacent dwelling at No.121 does not benefit from any extensions itself, and the proposed extension would therefore project approx. 7.94m beyond its rear. The rearward projection beyond this neighbour would be significant and the overall impact of the extension was considered unacceptable in terms of its impact upon light, outlook and visual amenity within the previous application.



Figure 9: Photo showing view to No.121

- 7.3.2 The current scheme retains the same depth to the proposed extension however has reduced its height by approx. 0.65m by setting the floor level into the existing ground to reduce the overall height to 2m above existing ground level. The impact would also be mitigated somewhat by the separation distance to the boundary of approx. 2.2m, and the existing boundary fence which is indicated to be 1.73m high.
- 7.3.3 Whilst the depth of the extension would still appear somewhat significant beyond the rear of the neighbour, the lower height and boundary fence would prevent it from appearing highly visible from this neighbour, particularly in views from the closest ground floor windows. On balance, it is considered that the extension would therefore not have a significant impact above the existing fence and that any loss of light, outlook or visual amenity would not warrant a refusal of the application on these grounds. However as the sinking of the extension below the existing ground level is critical to the acceptability of the proposal in residential amenity terms, it is recommended that further details of the finished floor level, relative to the existing ground levels, are secured by planning condition.
- 7.3.4 With regards to other nearby residents, the neighbour at No.125 is set significantly further back in the plot compared to the application building. The extension would project 7.94m towards the front elevation of this dwelling. Although any visual impact would be partly mitigated by the existing established vegetation on the boundary, this vegetation does not appear to be in the ownership of the application site and it therefore cannot be guaranteed that it would be retained. Comments have also been received stating that the hedge is almost dead.

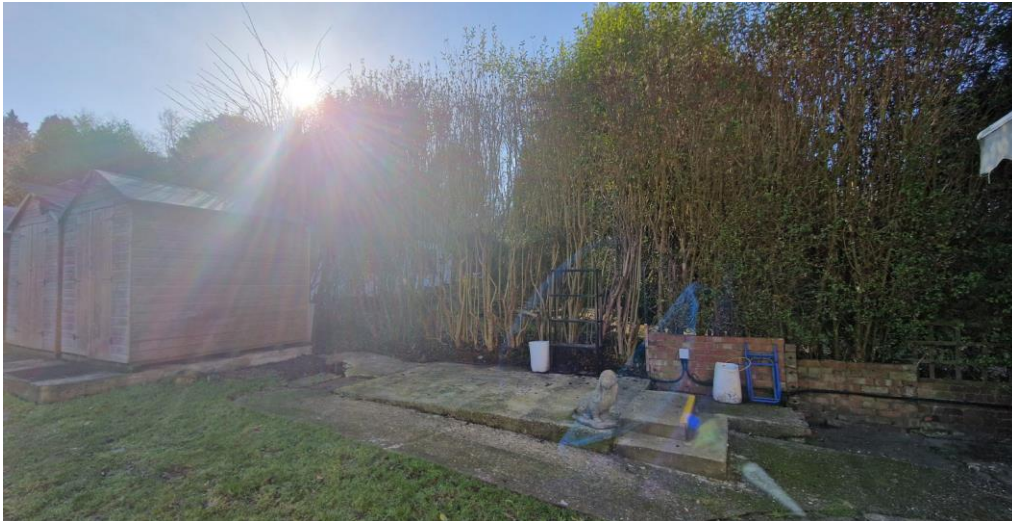


Figure 10: Photo showing view to No.121

- 7.3.5 Within the previous appeal decision, the Inspector did not raise any concerns over the impact upon the amenities of the neighbouring property at No.125. Given the reduction in height of the proposed extension it is considered the development would result in less visual impact than the previous scheme, and would therefore not be considered to result in an unacceptable impact upon the visual amenities or outlook of this neighbour.
- 7.3.6 With regards to other nearby properties to the rear boundary it is considered the extension would be set a sufficient distance from the rear boundary to prevent any unacceptable harm to this neighbour.
- 7.3.7 It is noted that concerns have been raised in relation to noise and disturbance, as well as operating outside of previous planning conditions relating to the numbers of vets and operating hours.
- 7.3.8 The agent has confirmed that the extension would not provide any additional consultation rooms and would not lead to an increase in either employees or client numbers visiting the site compared to the existing situation. It is noted that the previous permission on the site (ref: 00/00308/FULL1) did not include a condition which specifically restricted staff numbers. A staff rota has been provided to support the application which outlines the current working staff and their usual hours. It is therefore considered that subject to a condition to ensure that the number of staff on site does not exceed that shown in the staff rota, that no objections can be raised in this instance regarding the staffing levels of the site.
- 7.3.9 With regards to the hours of operation, the previous permission (ref: 00/00308/FULL1) including the following condition;
- “3. The veterinary surgery shall only be open to the public between 08.30 hrs to 10.30 hrs and 15.00 hrs to 20.00 hrs on Mondays to Fridays inclusive, 09.00 hrs to 12.00 hrs on Saturdays and shall not open on any Sunday or Bank Holiday, Xmas Day or Good Friday.”*
- 7.3.10 The veterinary surgery appears to be operating different hours to those stated in the condition. However, it has been confirmed that no alterations are being proposed to the

current opening hours as part of this application in order to regularise the hours that are currently being operated. Therefore, it is considered appropriate to add a condition to ensure that the opening hours remain the same as currently approved. It would be open to the applicant to seek a variation to this condition in the future should they wish to do so which would be assessed on its own merits.

- 7.3.11 It is noted that concerns have been raised from residents regarding the impact of noise and disturbance from the use. The extension would enable the provision of a sterile theatre, x-ray room, preparation area and storage area, and the applicants have confirmed that it would not provide any additional consultation rooms and would therefore not lead to an increase in employees or client numbers visiting the site.
- 7.3.12 Environmental Health Officers have also reviewed the application and have raised no objection in principle to the impact of noise and disturbance to nearby properties compared to the previous approved use of the site. However, a condition has been recommended to ensure all windows and door to the extension are to remain shut during veterinary treatment and other means of ventilation provided in order to ensure that there is no additional harm to neighbouring properties. Subject to the above conditions, it is not considered the development would result in any unacceptable additional impact by way of noise and disturbance to nearby properties.
- 7.3.13 It is noted that within the Appeal Decision for the previous scheme, the Inspector had only raised concerns over the impact upon outlook. Therefore, having regard to the above, the Inspectors comments, and that the height of the development has been reduced to significantly lessen the impact on outlook, it is considered on balance that the development would not result in any unacceptable impact upon neighbouring amenity.

7.4 Highways - Acceptable

- 7.4.1 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 BLP should be used as a basis for assessment.
- 7.4.2 When reviewing the previous appeal decision it is noted that the Inspector had raised concerns raised in relation to parking pressures resulting from the proposal, however it did not alter their conclusions on the main issues and the Inspector did not raise any specific concerns over parking or highways matters.
- 7.4.3 The applicant has confirmed that the extension would not generate new footfall to the premises as the extension would not provide any additional consultation rooms and would therefore not lead to an increase in either employees or client numbers compared to that which currently exists.
- 7.4.4 The Council's Highways Officers have reviewed the application and note that there are a number of objections to the proposal regarding parking, some inconsiderate and potentially causing congestion.
- 7.4.5 Highways Officers consider that if there is no potential change in the number of appointments then it would be difficult to raise an objection on highways grounds. Furthermore, even if there are parking issues at the moment this application would not make the situation worse.

7.4.6 If more animals can be treated then there will be more trips and there may be an impact. However, the information supplied indicates that there would be no increase in staff numbers or change in appointment times, and the extension would not provide any additional consultation rooms. Therefore, the development would not result any additional trips to the site and subject to the previous recommended conditions relating to the staff numbers and hours of opening for the public to ensure this, it is considered on balance that the development would not result in any unacceptable additional impact upon parking / highways matters that would be sufficient to refuse the application on these grounds.

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. Furthermore, it is not considered that the development would result in any unacceptable additional impact upon highways matters, subject to appropriate conditions.
- 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

Conditions

- 1. Time Period**
- 2. Compliance with approved plans**
- 3. In accordance with submitted materials**
- 4. Details of finish floor level of extension**
- 5. Hours of operation**
- 6. No increase in staff numbers compared to the submitted staff rota**
- 7. Ensure all windows and door to the extension are to remain shut during veterinary treatment and other means of ventilation provided.**
- 8. Existing garage shall only be used for the parking of vehicles and permanently retained as such.**
- 9. Residential accommodation at first floor level shall not be severed to form a separate self-contained unit.**
- 10. No overnight boarding of animals (except those gravely ill which need to be hospitalised overnight).**

Informatives

- 1. Contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/ or the Environmental Protection Act 1990.**

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