

Committee Date	09.11.2023	
Address	Summerfield 3 Freelands Road Bromley BR1 3AG	
Application Number	23/02774/NDFLAT	Officer - Russell Penn
Ward	Bickley And Sundridge	
Proposal	Erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store. (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms and nationally described space standards, impact on residential amenities and protected views).	
Applicant	Agent	
Mr M Crane C/O Agent London Greater London WC1X 8SL United Kingdom	Mr Peter Higginbottom 12-18 Theobalds Road London Greater London WC1X 8SL United Kingdom	
Reason for referral to committee	Call-In	Councillor call in Cllr Kate Lymer. Reason – Overdevelopment.

RECOMMENDATION	Prior Approval be Granted
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<p>KEY DESIGNATIONS</p> <p>Area of Deficiency in Access to Nature Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Open Space Deficiency Smoke Control SCA 10</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Residential (use Class C3)	0 (not including lower floors)
Proposed	Residential (use Class C3)	173

Residential Use – See Affordable housing section for full breakdown including habitable rooms					
	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	2	1	0	0	3
Affordable (shared ownership)	0	0	0	0	0
Affordable (social rent)	0	0	0	0	0
Total	0	0	0	0	3

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	16	16	0
Disabled car spaces	0	0	0
Cycle	0	4	4

Electric car charging points	0
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Representation summary	Neighbour letters were sent on 20/07/2023. Site notice for Part 20 GPDO Prior Approval was displayed 20/07/2023.
Total number of responses	26
Number in support	0
Number of objections	26

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).
- Officers raise no objections to the proposal on the grounds of consideration as detailed in this report and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

2 LOCATION

- 2.1 The application site relates to land located on the west side of Freelands Road comprising a four storey development with 16 existing flats in total. The site is relatively level and two single storey blocks of garages are located to the rear of the site with vehicle access along the southern boundary.
- 2.2 Surrounding the site are residential blocks to the south at Vogue Court, Winston Court and Bloomsbury Mansions with principal elevations facing Widmore Road comprising three and four storey apartment blocks with flat roof arrangements. Immediately to the south of the site are a pair of two storey semi-detached properties and another garage block. Opposite the site to the east are a mix of two storey period terraced properties and semi-detached villas, the latter converted to apartments. To the rear of the site are residential period blocks surrounding The Old Courtyard. These buildings are Locally Listed.
- 2.3 The site is not within a conservation area. The current buildings on site are not listed. The site is located in Flood Zone 1. A Tree Preservation Order (TPO) is located to the in close proximity of the site boundary with No3 Esther Mews to the rear of the site.



Figure 1: Site Location Plan

3 PROPOSAL

- 3.1 The proposal seeks prior approval under the permitted development provisions of Class A, Part 20 of Schedule 2 to the General Permitted Development Order (as amended) for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store.
- 3.2 The additional storey to each part of the building are shown to be set back from the perimeter walls of the building by 1m as stated on the plans. The proposed new roof height will increase the overall height of the building from 10.95m to 13.335m, to facilitate a 2.385m increase.
- 3.3 The layout plan indicates three flats comprising 2no. 1-bedroom/1-person units and 1no. 2-bedroom/3-person unit at fourth-floor level. Each of the units will have floor-to-ceiling outlook. A total of 4no. light tunnels are to replace the existing rooflights at roof level to provide daylight to the hallways of each of the existing top floor units.
- 3.4 Materials comprise a dark-coloured zinc cladding to the external elevations.
- 3.5 The application was supported by the following documents:
 - Planning Statement
 - Design and Access Statement
 - Daylight, Sunlight and Overshadowing Assessment



Figure 2: Proposed Block Plan



Figure 3: Existing Front Elevation



Figure 4: Proposed Front Elevation



Figure 5: Artist Impression (aerial view)

4 RELEVANT PLANNING HISTORY

- 4.1 Ref: 21600 - Two blocks of 16 lock up garages. Approved 01.06.1971
- 4.2 Ref: 22166 - Block of 16 flats. Approved 02.07.1971
- 4.3 There is no more recent planning application history relating to the application site available on electronic record.

5 CONSULTATION SUMMARY

A) Statutory

Environmental Health Officer – No objection

- No objections to the proposals in principle.
- Further information is recommended to be sought by planning condition in respect of the submission of a Construction and Environmental Management Plan.
- All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance. Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority. The developer shall keep an up-to-date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

- In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO_x emission rate of <40mg/kWh to minimise the effect of the development on local air quality within an Air Quality Management Area.

Highways – No objection

- The development is situated in an area with high PTAL rate of 2 and 5 on a scale of 0 – 6b, where 6b is the most accessible. Vehicular and pedestrian access would be from the existing access point from Freelands Road.
- No additional car parking would be provided. No objection is raised to the principle of a car free development. However, in order not to put pressure on the existing parking situation, future residents of the development should not be eligible to apply for parking permits.
- Cycle parking is indicated and acceptable. Refuse storage is indicated.

Drainage Officer – No objection

- No increase in footprint area. No Comment.

B) Local Groups

No comments have been received from local groups

C) Adjoining Occupiers

Objection comments:

Character (addressed in para 7.4.6)

- Extra storey to building would not be in keeping with the height of other buildings on this road.
- Extra height will be overbearing.
- Comments that the design is out of character with the existing building and degrades the streetscene.
- Preference to retain mid century character.
- Comments the materials and inset is also not in keeping.
- Design is unimaginative and unattractive to look.
- Many comments that the use of zinc cladding is not appropriate material to use.
- Out of scale, proportion and materials of adjacent buildings and areas.

Neighbouring Amenity (addressed in para 7.4.8)

- Comments regarding increased overlooking from an extra storey to neighbouring property with a resultant increased impact to neighbouring privacy.
- Comments regarding increased light pollution.
- Comments regarding impact to existing views from properties opposite.

- Concern regarding skylight replacement with light tunnel and potential lesser amount of light ingress to interior hallway. Comment that the light report is inaccurate.

Highways and parking (addressed in para. 7.4.2)

- Extra residents will increase parking congestion on local roads.
- Concerns raised that insufficient parking is provided.
- Concerns with refuse storage additional provision being inadequate.
- Loss of garden space due to bin stores and bike storage.
- Electric vehicle charging is required.
- Additional residents should be denied parking permits.

Other comments (see section 7 generally)

- Comments regarding limited consultation to residents from the developer prior to application being submitted to Council.
- Comments in respect of the impact and inconvenience of the construction process to existing residents in terms of noise/disturbance, traffic issues over a prolonged period.
- Concerns regarding impacts to residents 'working from home' during construction.
- Detailed building regulation criteria not mentioned in submission.
- Concerns regarding impact to structural integrity of the building.
- Comments that it will increase maintenance charges and resident's personal insurances.
- Comments regarding accessibility to an extra floor.
- Concerns regarding disturbing asbestos that may be present in the building.
- Comments the proposal will result in a loss of value to neighbouring property and existing residents in the building.
- Fire access would need to be reviewed.

6 LEGAL CONTEXT AND POLICY CONTEXT

6.1 The Town and Country Planning (General Permitted Development) Order 2015 Schedule 2, Part 20, Class A (as amended) allows for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

The formation of upwards extensions to flatted blocks is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether prior approval will be required as to:

- Transport and highways impacts of the development
- air traffic and defence asset impacts of the development
- contamination risks in relation to the building
- flooding risks in relation to the building
- the external appearance of the building
- the provision of adequate natural light in all habitable rooms and compliance with nationally described space standards of the new dwellinghouse
- impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light
- whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State,
- where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,
- where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,

and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

6.2 Article 3 - Permitted Development (as amended) by SI 1243 (6th April 2021) states at section (9A) of the GPDO that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

National Policy Framework 2023

6.3 The NPPF was revised and published in September 2023 and the guidance relating to design, neighbouring amenity, to transport, flood risk, land contamination, noise and natural light in relation to quality of accommodation is a material consideration in the determination of applications for Part 20 Class A Prior Approval.

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

6.5 London Plan 2021

D3	Optimising site capacity through the design-led approach
D4	Delivering good design
D5	Inclusive design
D6	Housing quality and standards
D9	Tall buildings
D12	Fire safety
D14	Noise
SI12	Flood risk management
SI13	Sustainable drainage
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential Parking
T7	Deliveries, servicing and construction

6.6 Bromley Local Plan 2019

4	Housing Design
30	Parking
32	Road Safety
37	General design of development
47	Tall & Large Buildings
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
118	Contaminated Land
119	Noise Pollution

7 ASSESSMENT

7.1 Considerations/Assessment against GPDO

7.1.1 Class B sets out the procedure for prior approvals under Part 20. Section B(3) states that the local planning authority may refuse an application where, in the opinion of the authority:

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with any conditions, limitations or restrictions specified in this Part as being applicable to the development in question.

7.1.2 Class B(4) goes on to state that sub-paragraphs (5) to (10) and (12) do not apply where the local planning authority refuses an application under sub-paragraph (3).

7.1.3 Class A comprises: Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing

topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:

- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
- (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
- (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
- (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

7.1.4 Assessment: COMPLIES.

7.1.5 The plans will affect only the communal internal stairwells on the existing third floor to provide two extended stairwells up to the new third floor. The remaining ground to third floor layouts of the existing flats would be the same. Given the limited extent of the building works to the third floor it is considered that the required engineering operations are reasonably necessary to construct the additional storey and roof structure. Therefore, the works on balance, will be immediately above the existing topmost residential storey together with engineering operations reasonably necessary to construct the additional storeys.

7.2 Considerations assessment

7.2.1 Class A.1.Development is not permitted by Class A if -

7.2.2 (a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, MA, N, O, P, PA or Q of Part 3 of this Schedule;

Assessment: COMPLIES

The building was not provided as a dwellinghouse by virtue of these Classes.

7.2.3 (b) above ground level, the building is less than 3 storeys in height;

Assessment: COMPLIES

The existing building is 4 storeys in height.

7.2.4 (c) the building was constructed before 1st July 1948, or after 5th March 2018;

Assessment: COMPLIES

Records indicate the building was constructed in the early 1970's.

7.2.5 (d) the additional storeys are constructed other than on the principal part of the building;

Assessment: COMPLIES

Having regard to the 'Interpretation of Part 20' section (C)(1) of the GPDO, the extension would be on the principal part of the building.

- 7.2.6 (e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of— (i) 3 metres; or (ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;
Assessment: COMPLIES
Based on the submitted drawings the floor to ceiling height, measured internally would not exceed that of any storey of the principal part of the existing building.
- 7.2.7 (f) the new dwellinghouses are not flats;
Assessment: COMPLIES
The proposal would provide flats only.
- 7.2.8 (g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);
Assessment: COMPLIES
Based on a comparison between the existing and propose drawings indicated heights the overall height would increase by approximately 2.4m as scaled from the submitted plans.
- 7.2.9 (h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres
Assessment: COMPLIES
The increased height would be less than 30 metres.
- 7.2.10 (i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;
Assessment: COMPLIES
No support structures are shown on the submitted drawings.
- 7.2.11 (j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to- (i) strengthen existing walls; (ii) strengthen existing foundations; or (iii) install or replace water, drainage, electricity, gas or other services;
Assessment: COMPLIES
No such engineering operations are indicated within the submission documents.
- 7.2.12 (k) in the case of Class A.(b) development there is no existing plant on the building;
Assessment: COMPLIES
There is no existing plant on the building.
- 7.2.13 (l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the new building extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;
Assessment: COMPLIES
There is no existing plant on the building and no new plant proposed.

7.2.14 (m) development under Class A.(c) would extend beyond the curtilage of the existing building

Assessment: COMPLIES

The development under Class A(c) would not extend beyond the curtilage of the existing building.

7.2.15 (n) development under Class A.(d) would - (i) extend beyond the curtilage of the existing building; (ii) be situated on land forward of a wall forming the principal elevation of the existing building; or (iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

Assessment: COMPLIES

The proposal is within the curtilage of the existing building.

7.2.16 (o) the land or site on which the building is located, is or forms part of - (i) article 2(3) land; (ii) a site of special scientific interest; (iii) a listed building or land within its curtilage; (iv) a scheduled monument or land within its curtilage; (v) a safety hazard area; (vi) a military explosives storage area; or (vii) land within 3 kilometres of the perimeter of an aerodrome.

7.2.17 Assessment: COMPLIES

7.3 Article 3 Section (9A)

7.3.1 Article 3 - Permitted Development (as amended) by SI 1243 states at section (9A) that Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse (a) where the gross internal floor area is less than 37 square metres in size; or (b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

7.3.2 The Gross Internal Area (GIA) for the one bedroom one person residential units (Units A and C) are indicated as 45.5m² and 42.5m² respectively with single person bedrooms at 10m².

7.3.3 The Gross Internal Area (GIA) for the two bedroom three person residential units (Unit B) is indicated as 62m² with bedrooms at 12.2m² and 8.3m².

7.3.4 The nationally described space standard requires a GIA of 37m² for a one bedroom one person unit with a shower room and 61m² for a two person three bedroom unit. The bedroom size in each unit is compliant with the GIA standard. The floorspace provision for each of the units is considered compliant with the required standards of the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

7.4 Class A.2 (1) Conditions

7.4.1 Where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for prior approval of the authority as to:

7.4.2 (a) transport and highways impacts of the development;

Assessment: ACCEPTABLE

The Highways Officer has not raised objection to the zero provision of parking stance put forward by the developer at the site for the additional residential units. In light of the comments, Officers are of the opinion that the additional residential units would not result in a material increase to traffic or parking issues in the vicinity of the site subject to future residents of the development not being eligible to apply for parking permits. This can be secured by planning condition.

7.4.3 (b) air traffic and defence asset impacts of the development;
Assessment: ACCEPTABLE

7.4.4 (c) contamination risks in relation to the building;
Assessment: ACCEPTABLE

The development is contained within the existing footprint of the building and will not involve ground works in relation to the building.

7.4.5 (d) flooding risks in relation to the building;
Assessment: ACCEPTABLE

The application site is not within a high risk flood zone. No objections are therefore raised.

7.4.6 (e) the external appearance of the building;
Assessment: ACCEPTABLE

The interpretation of paragraph A.2(1)(e) is now an established case law principle in that assessment shall include the townscape context of the appearance of the building in the surrounding area as well as the building appearance itself.

The surrounding context comprises of a mix of 2-3 storey semi-detached houses and 3-4 storey flatted blocks. Given the mixed character of Freeland Road and the surrounding context it is considered that there is scope for a single storey upwards extension subject to detailed design considerations.

The proposed upwards extension is set in all sides to appear subservient to the existing building and to minimise the visual impact on the streetscene. The proposed height, scale and massing would not be dissimilar to flatted blocks in Widmore Road to the south of the application site and flatted blocks to the west (to the south of Park Road).

It is noted that the proposed fenestration pattern has been aligned with the positioning of the existing windows on the lower floors. The proposed zinc clad finish (with aluminium framed windows) to clearly distinguish between the 'old' and the 'new', is considered to be an appropriate design response. The quality of all external materials is recommended to be secured by planning condition. The proposed development is supported from an urban design perspective.

7.4.7 (f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;
Assessment: ACCEPTABLE

The proposal seeks to provide dual aspect units. All habitable rooms benefit from at least one window. It is therefore considered that the proposal would provide adequate natural light in all habitable rooms.

- 7.4.8 (g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

Assessment: ACCEPTABLE

A Sunlight and Daylight report has been submitted and concludes the proposed development fully complies with BRE Guidelines and will not cause impact to daylight and sunlight access for the surrounding buildings and the amenity space within its vicinity. The report has been reviewed and the findings are supported.

Given the generous separation distances between buildings within the immediate context, it is not considered that the additional storey would result in any undue overlooking or loss of privacy to neighbouring residents. The upward nature of the extension is not considered to cause an unreasonable loss of amenity with regards to loss of privacy, overlooking or loss of outlook, overshadowing and overbearing impact at this site.

- 7.4.9 (h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

Assessment: ACCEPTABLE

The application site is not within one of the protected vistas set out in the London View Management Framework.

- 7.4.10 (i) where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building;

Assessment: NOT APPLICABLE

The existing building is not 18 metres or more in height.

- 7.4.11 j) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building,

Assessment: NOT APPLICABLE

8 CONCLUSION

- 8.1 The application for the for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).

8.2 Officers raise no objections to the proposal on the grounds of consideration as detailed above in this report and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

8.3 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: Grant Prior Approval

Subject to the following conditions:

- 1. Details of a Construction and Environmental Management Plan**
- 2. Details of Materials**
- 3. Details of Refuse Storage**
- 4. Details of Bicycle Storage**
- 5. Removal of Parking Permit Rights**

Informatives

- 1. Contact Naming and Numbering Officer at the Council.**
- 2. Reminder of CIL payments.**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.