

Committee Date	25.01.2024	
Address	57 Star Lane Orpington BR5 3LJ	
Application Number	22/03652/FULL1	Officer - Jennie Harrison
Ward	St Mary Cray	
Proposal	Single storey side extension and two storey rear extension (PART RETROSPECTIVE)	
Applicant	Agent	
The Quach Co Ltd	Mr John McRory	
57 Star Lane Orpington BR5 3LJ	177 Mottingham Road Mottingham SE9 4SS	
Reason for referral to committee	Effective enforcement notice at the site	Councillor call in No

RECOMMENDATION	Permitted
-----------------------	-----------

<p>KEY DESIGNATIONS</p> <p>Area of Archaeological Significance Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Renewal Area Smoke Control SCA 20</p>

Representation summary	Letters to neighbours were sent out on the 26.10.2022
-------------------------------	-------------------------------------------------------

Total number of responses	0
Number in support	0
Number of objections	0

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The two storey side extension would be reduced to single storey
- The staircase at the rear would be removed
- The rear extension would remain unchanged
- The proposed development would be of an acceptable design and would not harm the visual amenities of the street scene or the area in general
- There would be no significant impact on residential amenities

2. LOCATION

- 2.1. The site hosts a part two/three storey semi-detached dwelling which is situated on the Northern side of Star Lane, Orpington and is currently used as a House in Multiple Occupation.

Figure 1: Location Plan:



3. PROPOSAL

- 3.1 An enforcement notice under ref: 17/00374/OPDEV, was issued on 17 June 2019 and subsequently appealed and upheld on 24th June 2020. The notice required:
- Removal of the two storey side/rear extension and rear external staircase,
 - Removal from the land all resulting debris and materials as a result of the above.

- The period for compliance with the requirements was 9 months.

3.2 To address the enforcement notice planning permission is sought part retrospectively for a two-storey rear extension and a single storey side extension.

3.3 The existing property has a two-storey rear extension and a two-storey side extension, both of which are unauthorised as set out above. As part of the proposal the rear extension would remain unchanged, a door would be removed and replaced with a window, and the staircase would be removed. The two storey side extension would be reduced to single storey only.

Figure 1: Existing and proposed ground floor plan:



Figure 2: Existing and proposed first floor plan:



Figure 3: Existing and proposed rear elevation:



Figure 4: Existing and proposed side elevation:

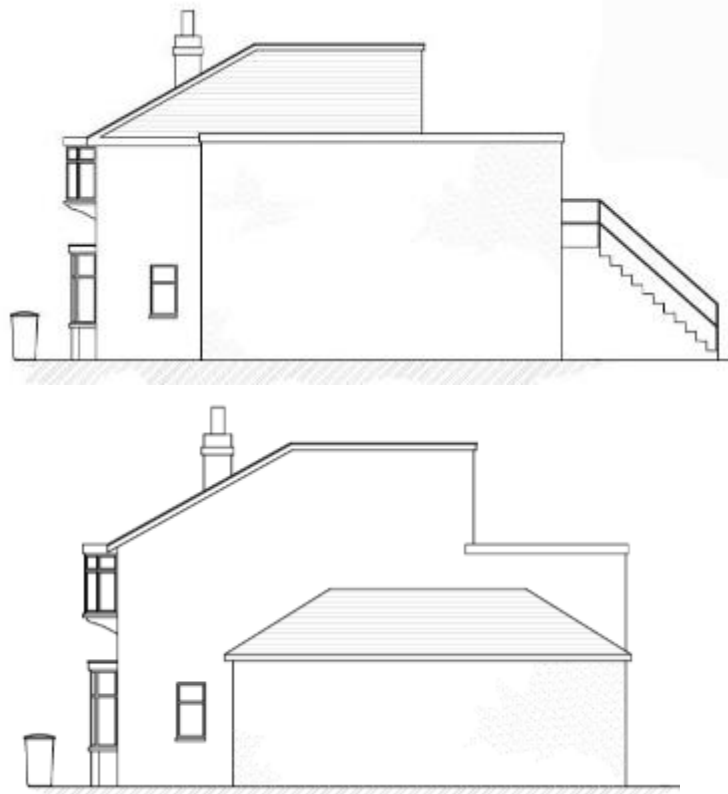


Figure 5: Existing and proposed front elevation:



Figure 6: Photographs of the site from the front:



Figure 7: Photographs of the site from the rear:



4. RELEVANT PLANNING HISTORY

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

4.2. 04/02508/FULL6 - Two storey side and rear extension - Refused

For the following reason:

- 1. The proposed extension by reason of its excessive size and bulk would be detrimental to the amenities of the adjacent properties by reason of loss of light and outlook, contrary to Policies H.3 and E.1 of the adopted Unitary Development Plan and Policies H8 and BE1 of the second deposit draft Unitary Development Plan (September 2002)*

4.3. 04/03780/FULL6 - Two storey side and rear extension – Permitted

And included condition 3 which stated:

“A side space of 1m shall be provided between the eastern flank wall of the extension hereby permitted and the flank boundary of the property”.

- 4.4. 17/01261/PLUD - Hip to gable roof extension, rear dormer window and rooflights. Lawful Development Certificate (Proposed) – Proposed use/development is not lawful; Appeal allowed
- 4.5. 17/01282/FULL6 - Hip to gable roof extension, two storey side/rear extension, elevational alterations including staircase to rear. Hardstanding to front to include x 1 new car parking space – Refused and Appeal dismissed

For the following reasons:

1. *The flat roofed side extension, hip to gable, and rear dormer extension would cumulatively result in a disproportionate extension of the building and would have a detrimental impact on the visual amenity of the locality contrary to policies BE1, H8 and H9 the Unitary Development Plan*
2. *The proposal would have a detrimental impact on spatial standards within the immediate locality, contrary to Policies BE1, H8 and H9 of the local plan*

The appeal decision concluded:

“Policy BE1 from the London Borough of Bromley Unitary Development Plan 2006 (UDP) seeks a high standard of design and layout which, amongst other things, notes that development should not detract from the existing street scene. UDP policy H8 requires the design and layout of extensions to respect the design, form and materials of the host dwelling. In particular, the reasoned justification for this policy also explains that 2 storey, flat roof side extensions to dwellings with a traditional roof design will be resisted unless the extension is well set back and unobtrusive. UDP policy H9 requires extensions of 2 storeys to maintain a minimum space of 1m from the side boundary of the site.

In this case, the side extension has a flat roof and, although set back, it is, in my opinion, very prominent in the street scene. When seen against the additional bulk of the extended roof and side of the rear roof dormer the overall effect of the side extension is dominant and out of scale with the nearby buildings in the street. Although these buildings are varied in style and materials, the contrast between the extended property at No. 57 and its pitched roofed neighbours is stark. This is exacerbated by the height of the parapet wall on the hip-to gable extension and the dormer addition and results in a building that appears oversized and clumsy in the street scene. In addition, and the extension fails to maintain a 1m gap with the neighbouring property, having a space of only about 0.5m to the boundary of No. 59.

I therefore consider that the development harms the character and appearance of the surrounding area and fails to comply with UDP policies BE1, H8 and H9”.

- 4.6. 20/04408/FULL1 - Two storey front/side extension and elevational alterations - Refused.

For the following reason:

1. *The proposed part one/two storey side and rear extensions add excessive bulk to a prominent elevation of the host property which results in a dwelling that appears overly bulky, incongruous and is detrimental to the visual amenities of the area and would harm the spatial standards of the locality. This is contrary to policies 6, 8 and 37 of the Bromley Local Plan.*

5. CONSULTATION SUMMARY

A) Statutory

None were received.

B) Local Groups

None were received.

C) Adjoining Occupiers

None were received.

6. POLICIES AND GUIDANCE

National Planning Policy Framework 2023

NPPG

The London Plan

- D1 London's form and characteristics
- D4 Delivering good design

Bromley Local Plan 2019

- 6 Residential Extensions
- 37 General Design of Development

Bromley Supplementary Guidance

- Urban Design Supplementary Planning Document (July 2023)

7. ASSESSMENT

7.1 Resubmission

7.1.1 Under reference 04/03780/FULL6 permission was granted for 'Two storey side and rear extension' which was set back from the front elevation significantly and allowed for a side space of 1m.

Figure 8: Proposed plans from 04/03780/FULL6

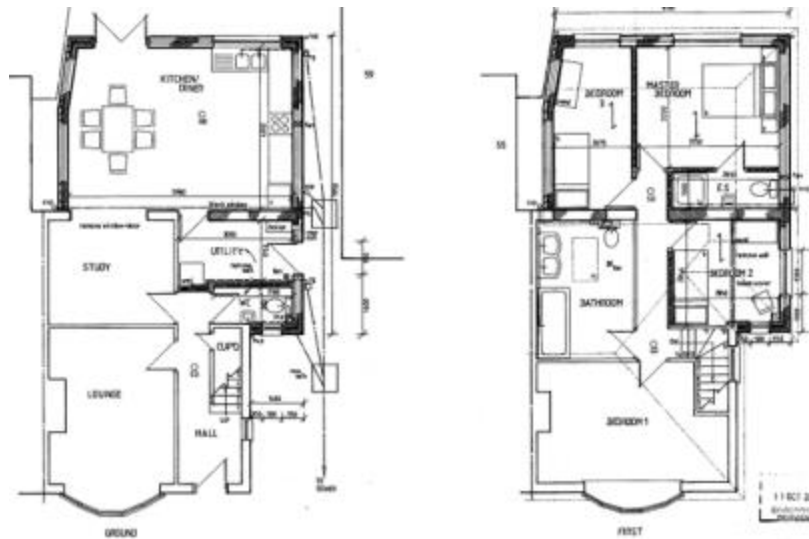


Figure 9: Proposed elevations from 04/03780/FULL6



7.1.2. Under reference 17/01282/FULL6 permission was refused and a subsequent appeal was dismissed for 'Hip to gable roof extension, two storey side/rear extension, elevational alterations including staircase to rear. Hardstanding to front to include x 1 new car parking space.'

7.1.3. This proposal did not allow for any side space and incorporated a flat roof at two storey for both the side and rear extension. This extension was ultimately built.

Figure 10: Proposed plans from 17/01282/FULL6

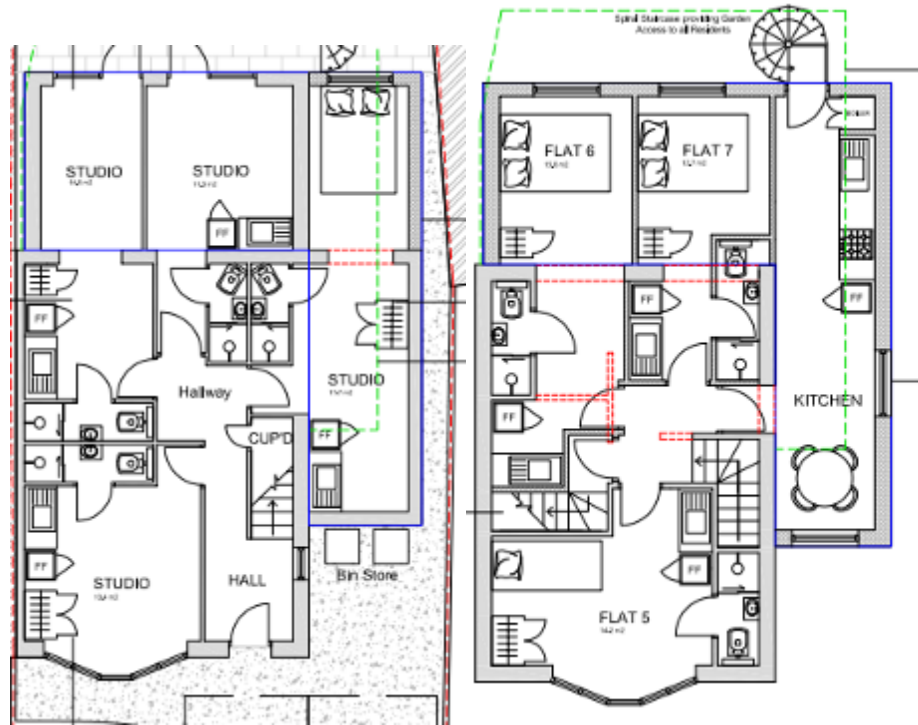


Figure 11: Proposed elevations from 17/01282/FULL6





7.1.4. Under reference 20/04408/FULL1 permission was refused for 'Two storey front/side extension and elevational alterations.' This application proposed a part one/two storey extension to the side, where the ground floor would still extend up to the boundary, and the first floor would provide 1m side space.

Figure 12: Proposed plans from 20/04408/FULL1

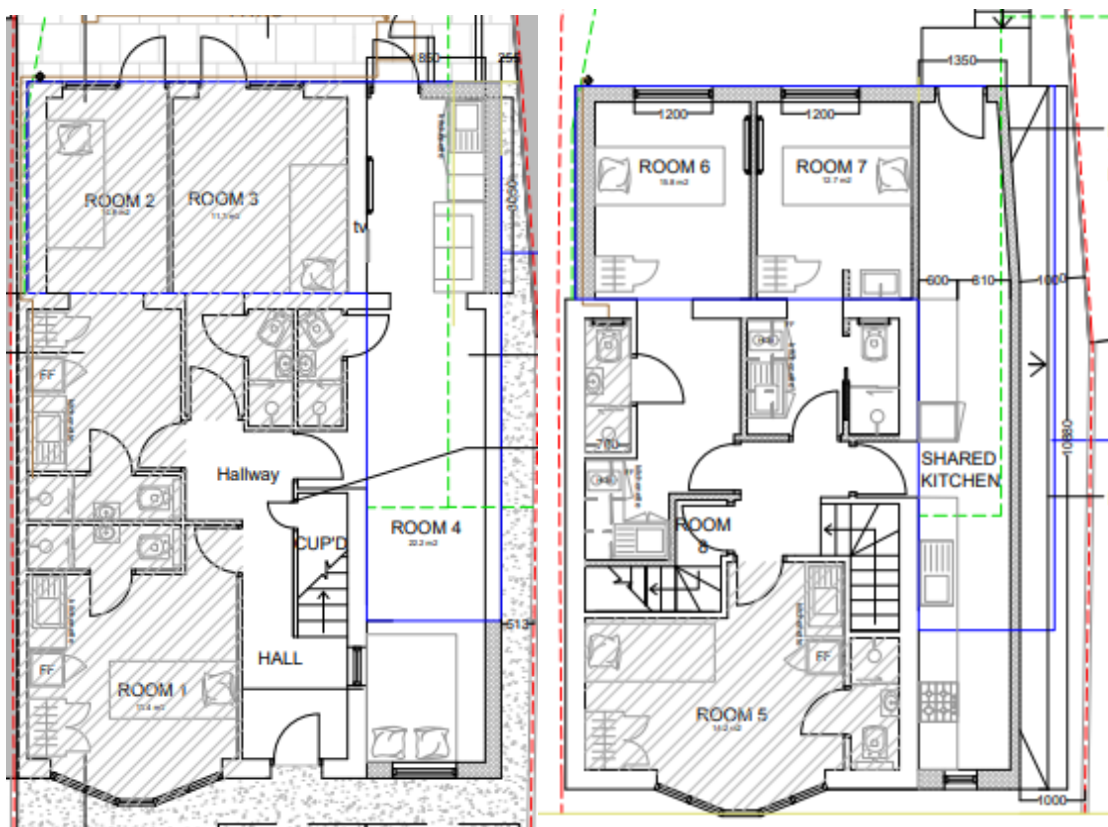
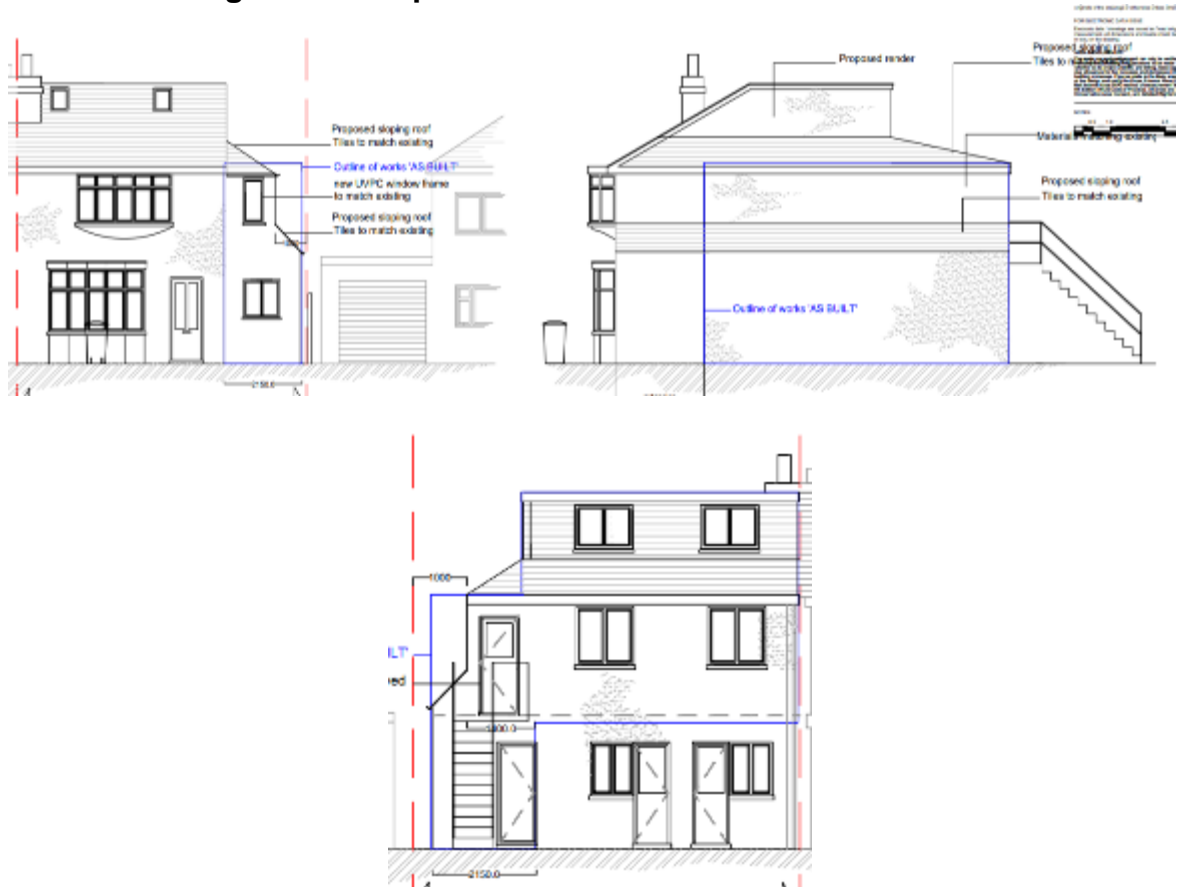


Figure 13: Proposed elevations from 20/04408/FULL1



7.2. Design - 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. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 7.2.2. London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.3. Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary Planning Guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.2.4. The alterations to the extension at the side would include a reduction in scale from two to one storeys, along with the addition of a pitched roof and this would better reflect the character and appearance of the host dwelling and would therefore have a positive impact on the street scene.

- 7.2.5. The rear extension incorporates a flat roof and whilst this would not reflect the original dwelling, this is not uncommon in a residential setting such as this and a similar extension is in situ at number 55; it is not considered to cause any significant harm to the character and appearance of the host dwelling.
- 7.2.6. The rear extension may be somewhat visible from the street scene, due to the positioning of number 57 significantly further forward than number 59, however this will be very minimal and is not considered to cause any significant harm to the character and appearance of the street scene.
- 7.2.7. Having regard to its scale, siting and appearance, the proposal would complement the host property and would not appear out of character with surrounding development or the area generally.

7.3 Neighbourhood Amenity – Acceptable

- 7.3.1 Policy 37 of the BLP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.3.2 Number 55 benefits from a part one/two storey rear extension with a similar rear building line to number 57 and as such it is considered that there is no significant harm to these adjoining neighbours as a result of the existing two storey rear extension.
- 7.3.3 Nearest the boundary with number 59, the extension would be reduced to single storey. The property at number 59 is set back significantly from number 57, as such the side extension would have the most impact on the front of the property. The reduction in height of 1m from the ridge height and 2.4m from the eaves height would have a significantly positive impact on the adjoining occupiers.
- 7.3.4 It is considered therefore that the reduction in the side extension would be acceptable and would have no significantly detrimental impact on neighbouring amenity.
- 7.3.5 Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

7.4 Other Matters – Acceptable

- 7.4.1 Council records indicate that an HMO licence was originally granted in 2017, prior to the implementation of the Article 4 Direction removing the permitted development rights. The proposal would reduce the number of bedrooms from 8 to 6 and the property would remain as an HMO.

8 CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.
- 8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION:

Application Permitted

Subject to the following conditions:

- 1. Standard Compliance with Plans**
- 2. Alterations to be implemented within 4 months**
- 3. No access to flat roof of rear extension**

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.