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DATE: 12 December 2017

To: Members of the  
**PLANS SUB-COMMITTEE NO. 3**

Councillor Katy Boughey (Chairman)  
Councillor Douglas Auld (Vice-Chairman)  
Councillors Kevin Brooks, Alan Collins, William Huntington-Thresher, Charles Joel,  
Russell Mellor, Alexa Michael and Keith Onslow

A meeting of the Plans Sub-Committee No. 3 will be held at Bromley Civic Centre on  
**THURSDAY 21 DECEMBER 2017 AT 7.00 PM**

MARK BOWEN  
Director of Corporate Services

Members of the public can speak at Plans Sub-Committee meetings on planning reports, contravention reports or tree preservation orders. To do so, you must have

- already written to the Council expressing your view on the particular matter, and
- indicated your wish to speak by contacting the Democratic Services team by no later than 10.00am on the working day before the date of the meeting.

These public contributions will be at the discretion of the Chairman. They will normally be limited to two speakers per proposal (one for and one against), each with three minutes to put their view across.

**To register to speak please telephone Democratic Services on 020 8313 4745**

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**If you have further enquiries or need further information on the content of any of the applications being considered at this meeting, please contact our Planning Division on 020 8313 4956 or e-mail [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)**

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**Information on the outline decisions taken will usually be available on our website (see below) within a day of the meeting.**

*Copies of the documents referred to below can be obtained from*  
<http://cds.bromley.gov.uk/>

## A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 26 OCTOBER 2017**  
(Pages 1 - 28)
- 4 **PLANNING APPLICATIONS**

### SECTION 1

(Applications submitted by the London Borough of Bromley)

Report No.	Ward	Page No.	Application Number and Address
	NO REPORTS		

### SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Darwin	29 - 44	(17/01895/FULL1) - Warren Farm, Berrys Green Road, Berrys Green, Westerham, TN16 3AJ
4.2	Chelsfield and Pratts Bottom	45 - 56	(17/02381/FULL1) - 62 Windsor Drive, Orpington, BR6 6HD.
4.3	Chislehurst Conservation Area	57 - 66	(17/03727/RECON) - Darul Uloom, Foxbury Avenue, Chislehurst, BR7 6SD
4.4	Chelsfield and Pratts Bottom	67 - 84	(17/03732/FULL1) - Fairtrough Farm, Fairtrough Road, Orpington, BR6 7NY
4.5	Plaistow and Sundridge	85 - 92	(17/03881/FULL1) - 10 Plaistow Lane, Bromley, BR1 3PA
4.6	Mottingham and Chislehurst North	93 - 98	(17/04147/FULL6) - 78 Cranmore Road, Chislehurst, BR7 6ET

4.7	Bromley Common and Keston	99 - 118	(17/04892/FULL1) - 128 Jackson Road, Bromley, BR2 8NX.
4.8	Bromley Common and Keston	119 - 124	(17/05018/RECON) - 2A Jackson Road, Bromley BR2 8NP

### SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.9	Copers Cope Conservation Area	125 - 130	(17/02754/FULL1) - 210 High Street, Beckenham, BR3 1EN
4.10	Petts Wood and Knoll	131 - 140	(17/03951/FULL6) - 27 Birchwood Road, Petts Wood, BR5 1NX
4.11	Hayes and Coney Hall	141 - 146	(17/03991/FULL6) 8 Montcalm Close, Hayes Bromley, BR2 7LZ
4.12	Orpington	147 - 158	(17/04378/FULL1) - Heatherwood, 33 Station Road, Orpington BR6 0RZ
4.13	Bickley	159 - 166	(17/04590) - 14 Yester Road, Chislehurst, BR7 5LT
4.14	Hayes and Coney Hall	167 - 174	(17/04662/FULL6) - 30 Dartmouth Road, Hayes, Bromley, BR2 7NE.
4.15	Bickley	175 - 178	(17/04704/FULL1) - Bickley Primary School, Nightingale Lane, Bromley, BR1 2SQ.
4.16	Bromley Common and Keston	179 - 186	(17/04773/FULL6) - 98 Lower Gravel Road, Bromley BR2 8LJ

### SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.17	Copers Cope Conservation Area	185 - 192	(17/02751/FULL1) - 210 High Street, Beckenham, BR3 1EN

4.18	Copers Cope Conservation Area	193 - 204	(17/02753/FULL1) - 210 High Street, Beckenham, BR3 1EN
4.19	Copers Cope Conservation Area	205 - 214	(17/02755/FULL1) - 210 High Street, Beckenham, BR3 1EN
4.20	Petts Wood and Knoll	215 - 226	(17/04534/FULL1) - 80 Crescent Drive, Petts Wood, Orpington, BR5 1BD

## 5 CONTRAVENTIONS AND OTHER ISSUES

Report No.	Ward	Page No.	Application Number and Address
5.1	Biggin Hill	227 - 232	(DRR17/070) - 9 Moselle Road, Biggin Hill, Westerham TN16 3HS

## 6 TREE PRESERVATION ORDERS

Report No.	Ward	Page No.	Application Number and Address
6.1	Petts Wood and Knoll	233 - 236	Confirmation of Tree Preservation Order (TPO) 2637 at 75 Queensway, Orpington, Kent, BR5 1DQ

## PLANS SUB-COMMITTEE NO. 3

Minutes of the meeting held at 7.00 pm on 26 October 2017

### Present:

Councillor Katy Boughey (Chairman)  
Councillors Kevin Brooks, Simon Fawthrop, William Huntington-Thresher, Charles Joel, Russell Mellor, Alexa Michael, Keith Onslow and Angela Page

### Also Present:

Councillors Graham Arthur and Tony Owen

## 10 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Douglas Auld and Councillor Angela Page attended as his substitute.

Councillor Simon Fawthrop also attended as a substitute Member.

## 11 DECLARATIONS OF INTEREST

There were no declarations of interest reported.

## 12 CONFIRMATION OF MINUTES OF MEETING HELD ON 31 AUGUST 2017

**RESOLVED** that the Minutes of the meeting held on 31 August 2017 be confirmed and signed as a correct record.

## 13 PLANNING APPLICATIONS

### SECTION 2

(Applications meriting special consideration)

### 13.1 BROMLEY COMMON AND KESTON

**(17/03204/FULL6) - Woodside, Barnet Wood Road, Hayes, Bromley, BR2 8HJ**

Description of application – Enlarge existing porch with wheelchair ramp to improve accessibility.

Oral representations in support of the application were received at the meeting.

Councillor Alexa Michael was familiar with the planning history of the site and supported the application. She emphasised that personal circumstances were not normally taken into account but in this case the effect on the green belt was marginal.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** subject to the following conditions:-

“1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

REASON: Section 91, Town and Country Planning Act 1990.

2. Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.”

**13.2  
BROMLEY COMMON AND  
KESTON**

**(17/03391/PLUD) - 2 Barnet Wood Road Hayes  
Bromley BR2 8HJ**

Description of application – Detached garden unit at the rear of the property for games room/bar and lounge area LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED).

**THIS REPORT WAS WITHDRAWN BY THE  
APPLICANT.**

**SECTION 3**

(Applications recommended for permission, approval or consent)

**13.3  
CHISLEHURST**

**(17/01880/FULL6) - 32 Highfield Road, Chislehurst,  
BR7 6QZ**

Description of application – First floor side and single storey front and rear extensions.

**THIS REPORT WAS WITHDRAWN BY THE CHIEF PLANNER.**

**13.4  
BROMLEY TOWN**

**(17/02261/FULL1) - 2A Shortlands Gardens,  
Bromley, BR2 0EA**

Description of application - The construction of a single-storey side/rear extension.

Oral representations in objection to the application were received at the meeting.

The Chief Planner's representative reported that a late letter from the applicant had been received and circulated to Members. An email and photograph from Ward Member, Councillor Michael Rutherford, in objection to the application had also been received and circulated to Members. The applicant had confirmed that he owned the whole garden area and there were no rights of access for any neighbour. The Chief Planner's representative advised Members that issues raised by objectors relating to access and ownership of the land was a civil matter should not take this into consideration.

The Chairman supported the application and Councillor Charles Joel had visited the site and also supported the application.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**13.5  
PETTS WOOD AND KNOLL  
CONSERVATION AREA**

**(17/02535/RECON) - 10 Wood Ride, Petts Wood,  
Orpington, BR5 1PX**

Description of application – Application submitted under S73 of the Town and Country Planning Act 1990 for the variation of Condition 3 to DC/16/00572/FULL6 granted for part one/two storey side/rear extension with dormer windows, inset balcony, alterations to detached outbuilding to rear, additional vehicular access, elevational alterations and associated landscaping, to facilitate the addition of a basement, a chimney flue to the front elevation, 1 x rooflight to the side and internal alterations.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Tony Owen in

objection to the application were received at the meeting. A further submission from the objector had been received and circulated to Members.

Councillor Owen referred to an article in the Evening Standard on 19 July 2017 that highlighted the value of Knoll Reece houses in Petts Wood being 'top notch' and said that The London Borough of Bromley did not have a basement policy. He doubted whether the application was personal and, in his view, it was a developer application and referred to application (16/03728/FULL1) validated on 8 August 2016 for the demolition of the existing dwelling and erection of a replacement 5 bedroom detached dwelling that had been withdrawn by the applicant.

Councillor Simon Fawthrop read his representation **attached as an Annex to these minutes** in which he proposed five grounds of refusal if the application were not permitted.

The Chairman said that the basement aspect of the application was the concern and that a structural survey had been received in support of the application.

Councillor Joel said that if Members were to permit then the applicant needed to consider the importance of professional representation during construction, indemnity insurance, the inclusion of a construction design and management statement, building regulation consents and the Party Wall Act. He supported the application and referred to other properties in north London that had added basements to properties and to improved underpinning and drilling techniques.

Councillor Keith Onslow objected to the application due to increased density.

Councillor Michael said that each application should be judged on its merits but properties with basements in north London should not be compared with Noel Rees houses and that as application DC/16/00572/FULL6 had already been granted planning permission she objected to the application.

Councillor William Huntington-Thresher referred to the proposed reasons for refusal that Councillor Fawthrop had presented and was concerned that a reason with

regard to density was inappropriate. In reply to a question from Councillor Huntington-Thresher the Chief Planner's representative confirmed that the proposed basement would be approximately three metres from the boundary of the neighbour's property.

Councillor Kevin Brooks said that many of the reasons for refusal suggested by Councillor Fawthrop had been covered in the permission already granted (DC/16/00572/FULL6) and that if the application were to be refused it should be refused on basement grounds only.

The Chairman agreed with Councillor Huntington-Thresher that the third reason for refusal proposed by Councillor Fawthrop was inappropriate and that if Members refused the application it should not be included and Councillor Joel seconded the motion. Members voted 3:4 to include the proposed third ground of refusal.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The application is contrary to Policy H10 Appendix 1 paragraph 1.2(i) in that the development erodes the individual quality and character of the Area of Special Residential Character in that it introduces basement developments into the both the Conservation Area and the Area of Special Residential Character when none currently exist, severely eroding the nature and Character of the area.
2. The application is contrary to Policy BE11 in that it does not respect or compliment the layout scale, form and materials of existing buildings and spaces, nor does it respect and incorporate the design, existing landscape or other features that contribute to the Character, appearance or historic value of the Chislehurst Road Conservation Area in that there are no basements existing within the conservation area.
3. The density exceeds that in the surrounding area which would be in breach of Policy H7 table 4.2 and H10 Appendix 1 paragraph 1.2 (ii) residential density shall accord with that existing in the area.
4. The proposal, by reason of the introduction of a basement, represents a cramped overdevelopment of the site out of character and harmful to the spatial standards of the Chislehurst Road Conservation Area contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan.

5. The part demolition of the dwelling would detract from the character of the Conservation Area, contrary to Policies BE1 and BE12 of the Unitary Development Plan.

**13.6  
CRYSTAL PALACE**

**(17/02975/FULL1) - 122 Anerley Road, Penge, SE20 8DL.**

Description of application – Demolition of existing building and construction of a mixed use four storey building with basement comprising a commercial unit (Use Class A1) at ground and lower ground level and 8 residential units (4 x one bedroom flats and 4 x two bedroom flats) and associated amenity space.

It was reported that a late letter of support had been received and that Ward Member, Councillor Angela Wilkins, supported the application.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Chief Planner with a further condition to read:-  
“13. No part of the development hereby permitted shall be occupied until details have been submitted to and approved in writing by the Local Planning Authority of arrangements for establishment of a car club to serve the development. The approved arrangements for the car club shall be in operation before first occupation of any part of the development and shall be permanently retained thereafter.  
Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.”

**13.7  
CHISLEHURST**

**(17/03002/FULL6) - 5 Greenway, Chislehurst, BR7 6JQ**

Description of application - Single storey rear extension.

Oral representations in objection to and in support of the application were received at the meeting. Photographs from the objector had been received and circulated to Members.

The Chairman had visited the site. Members having considered the report, objections and representations, **RESOLVED that the**

**application BE DEFERRED**, without prejudice to any future consideration, to check the height of the proposed extension above the decking.

**13.8  
PETTS WOOD AND KNOLL**

**(17/03501/FULL6) - 82 Lynwood Grove, Orpington, BR6 0BH**

Description of application – First floor and single storey rear extensions, alterations to porch and roof alterations to form additional habitable space including rooflights.

Councillor Fawthrop objected to the design, bulk and the impact on the street scene that would affect residential amenity and in particular the loss of daylight through the winter months to 84 Lynwood Grove.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** for the following reasons:-

1. The proposal, by reason of its bulk, design and siting in a prominent corner plot, would appear unduly prominent in the streetscene and would result in a harmful impact on the residential amenity of No. 84 Lynwood Grove by virtue of a loss of light and outlook, contrary to Policies H8, H9 and BE1 of the Unitary Development Plan and Draft Policies 6, 8 and 37 of the Proposed Submission draft Local Plan.

**13.9  
SHORTLANDS**

**(17/03755/FULL6) - 78 Kingswood Avenue, Shortlands, Bromley, BR2 0NP.**

Description of application – Two storey front and side extension with canopy porch, two storey rear extension and single storey rear and side extension, reduction in size of existing garage to become garden store and rear timber decking.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner with a further condition to read:-

“4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.”

**13.10  
HAYES AND CONEY HALL**

**(17/03904/FULL1) - 89A Hayes Lane, Hayes,  
Bromley, BR2 9EF**

Description of application – Two storey front, side and rear extension.

Members having considered the report and objections, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**13.11  
HAYES AND CONEY HALL**

**(17/03938/FULL1) - 14 Kechill Gardens, Bromley  
Hayes, BR2 7NQ**

Description of application – Single storey rear extension.

Oral representations in support of the application were received. Oral representations from Ward Member, Councillor Graham Arthur, in objection to the application were received at the meeting.

Councillor Arthur referred to planning appeal 17/00472/FULL1 and its reason for dismissal. The excessive rearward projection of 4.9 metres and height of 3.75 metres along the adjoining boundary would have given rise to a significant loss of amenity to the adjoining neighbouring property at No.12. The applicant had now reduced the height of the proposal by 0.275 metres and angled the extension away by 45 degrees beyond 3.9 metres to 4.9 metres and Councillor Arthur's view was that 4.9 metres remained excessive.

The Chief Planner's representative reported that a letter from the applicant had been received and circulated to Members and two drawings had been also been submitted and he explained the measurements on the drawings.

The Chairman and Councillor Michael agreed with the Ward Member that the applicant had made an insufficient reduction in the size and scale of the proposed development.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** for the following reason:-

1. The proposed extension would, by reason of its excessive rearward projection, have a seriously detrimental effect on the outlook and prospect which the occupants of the adjoining dwelling might

reasonably expect to be able to continue to enjoy, contrary to Policies BE1 and H8 of the Unitary Development Plan, Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance and Draft Policies 6 and 37 of the Proposed Submission Draft Local Plan.

**SECTION 4**

(Applications recommended for refusal or disapproval of details)

**13.12  
KELSEY AND EDEN PARK**

**(17/02050/FULL6) - 25 Bucknall Way, Beckenham BR3 3XL**

Description of application – Outbuilding at rear.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the following reason:-

1. The proposal would be overly prominent and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy by reason of visual impact, loss of privacy and amenity in view of its bulk, height, siting and extent of glazing, thereby contrary to Policies BE1, H8 and G6 of Bromley's Unitary Development Plan.-

**14 MINUTE ANNEX - ITEM 4.5 (17/02535/RECON) 10 WOOD RIDE, PETTS WOOD, ORPINGTON.**

The Meeting ended at 8.25 pm

Chairman

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ITEM 4.5 (17/02535/RECON) – 10 WOOD RIDE, PETTS WOOD, BR5 1PX

Madam Chairman

The applications before you tonight for 10 Wood Ride falls within the both the Chislehurst Road Conservation Area and the Petts Wood Area of Special Residential Character (ASRC), which was designed and built on the Garden Suburb principle.

Before I commence on a detailed response I'd like to draw to your attention some inaccuracies within the report. The first being that no reference is made to the ASRC anywhere within the report. The planning history also fails to report the withdrawn application 16/03728 which is substantially the same application that is before you tonight. This means that the plans are also subject to saved UDP policy H10 and the draft policy 44 of our new Local Development Plan.

Also no reference is made to the existing Petts Wood ASRC description, which I attach a copy for the minutes or the proposed ASRC description in Appendix 10.6 of the proposed Draft Local Plan which I also include a copy for an understanding of the impact that this proposal would have upon this Special Area.

It is also worth noting that there are two Article 4 directions in place, one around the front boundary treatment to preserve the low level open feel and a second around the front roof line to preserve the appearance of the Area and maintain standards.

The current UDP Appendix 1 paragraph 1.2 (Copy attached) makes it quite clear that new developments

- (i) **Will be resisted if they erode the quality and character of the ASRC, in respect of the ASRC description.**
- (ii) **Residential density shall accord with that in the area**
- (iii) **Spatial standards of new development (plot, width, garden depth and plot ratio shall accord with the general pattern in the area.**

These are just some of the guidelines that I have identified that this application breaches.

The fact is that the Petts Wood ASRC is one of only two similar areas in London the other being Hampstead Garden Suburb, which are of such an important quality that development cannot be a free for all. There are many examples of inspectors looking at the ASRC and recognising its importance, I am attaching four examples for you the first is in the same Conservation Area at 267 Chislehurst Road, and this points out that even if something can't be seen it can still do harm to the Character of the area.

The second is in The Conservation Area of the Chenies which was dismissed which demonstrates that an application can be a cramped overdevelopment of the site and harmful to spatial standards.

The 3<sup>rd</sup> is in relation to an application in the same road to demonstrate that inspectors uphold the areas character nearby.

The final appeal relates to an end plot in Ladywood Avenue which is by the same applicant to demonstrate that this is no ordinary householder appeal but something more commercial and systematic. The appeal again demonstrates that the spatial character and standards are very important.

One thing is clear, when the plots were established in Petts Wood it was for family housing with generous plot sizes and gardens as well as garages. By introducing basement development into the Conservation Area and ASRC this application completely undermines the notion of the Garden Suburb. The Garden Suburb does not have basements. This so severely erodes the Conservation Area and ASRC as to cause considerable and irreversible harm for current and future occupiers of the site and area.

The application increases the density out of all proportion to the plot size. It is also likely to cause considerable harm to the Noel Rees designed building in the Conservation Area and during any construction the adjoining occupiers would have an unacceptable deterioration in their Residential amenity.

Finally Madam Chairman I'd like to propose the following grounds for refusal.

- 1) The application is contrary to policy H10 Appendix 1 paragraph 1.2(i) in that the development erodes the individual quality and character of the ASRC in that it introduces basement developments into the both the Conservation Area and ASRC when none currently exist, severely eroding the nature and Character of the area.
- 2) The application is contrary to policy BE11 in that it does not respect or compliment the layout scale, form and materials of existing buildings and spaces, nor does it respect and incorporate the design, existing landscape or other features that contribute to the Character, appearance or historic value of the Chislehurst Road Conservation Area in that there are no basements existing with the conservation area.
- 3) The density exceeds that in the surrounding area in breach of policy H7 table 4.2 and H10 Appendix 1 paragraph 1.2 (ii) residential density shall accord with that existing in the area
- 4) The proposal by reason of the introduction of a basement, represents a cramped over development of the site out of character and harmful to the spatial standards of the Chislehurst Road Conservation Area contrary to policy BE1, BE11, H8 and H9 of the Unitary Development Plan.
- 5) BE12

# Petts Wood ASRC Description

## 1.3 Petts Wood:

The original plans for Petts Wood date from the late 1920s and early 1930s. While Houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Within the overall area the **Conservation Areas of the Chenies and Chislehurst Road** already stand out.

The plots were originally designed on the garden suburb principle by developer Basil Scrubby, with large plot sizes spaciouly placed. The characteristics of the Petts Wood ASRC include an open feel, predicated by low boundaries and visible front gardens, set back from the road; there is also spaciousness between the houses which is of a superior standard. This allows many of the trees and greenery which prevails throughout the area to be seen from the street scene giving the area its open and semi-rural feel in line with the garden suburb principle. This open and suburban aspect of the area underlines the special characteristic of the area. Development which erodes this principle will be resisted.

The separation between building and the rhythm and pattern of the houses adds to the special character. In many cases there is a much wider separation between houses than in other parts of the Borough which demands a higher degree of separation between buildings to maintain the special character, the openness and feel of the area. Where there are pairs of houses that complement the rhythm of the street scene there is also a prevailing symmetry between the houses. This symmetry can also be seen between neighbouring pairs. The plots are set out in such a way that the spacious character is one of a clear detached and semi-detached nature.

The front building and rear building lines are also of importance in defining the area. The buildings are of a 1930s design which adds to the character of the area. Whilst there have been some changes post war this design aspect of the area remains intact and future development should respect this characteristic. The front roof lines are also of a nature which enhances the characteristic of the area being largely untouched by roof extensions and conversions at the front.

The plot sizes and rear gardens are mostly of a size which is commensurate with the Garden Suburb principle and this characteristic also forms part of the amenity value which makes the area special.

When considering future development within the Petts Wood ASRC, the main focus will be on the impact of any proposed development on the ASRC, taking into account the design and spatial standards including the **low density** of existing development. Proposals which undermine the character, rhythm, symmetry and spatial standards of the area will be resisted unless very special circumstances can be demonstrated. Likewise new dwellings proposed on gardens and infill will also be strongly resisted unless very special circumstances can be demonstrated. In this context special is used in the dictionary sense to mean distinguished from others of the same category, because it is in some way superior or held in particular esteem. For a proposal to meet the very special circumstances test in this context would mean not only an enhancement to the ASRC but a consequence of not undertaking the proposal would undermine the Petts Wood ASRC or risk some form of harm to the ASRC.

11. **Bromley, Hayes and Keston Commons** – 18<sup>th</sup> and 19<sup>th</sup> Century buildings dispersed around public commons (2000).
12. **Bromley Town Centre** - oldest part of town centre, including Market Square and Victorian shops (1985).
13. **Broomhill, Orpington** - small group of largely Victorian houses, set around a common (1989).
14. **Cator Road, Penge** - Victorian suburban development of large detached houses (1984).
15. **Chancery Lane, Beckenham** - small scale mainly 19<sup>th</sup> Century development (1973).
16. **Chelsfield Village** - rural village (1972).
17. **The Chenies, Petts Wood** - 1930s suburban development (1982).
18. **Chislehurst** - the village and surrounding commons: 18th Century village, affluent Victorian/Edwardian suburb, later low density housing in mature landscapes, common land and Green Belt (1971).
19. **Chislehurst Road, Petts Wood** - inter-war picturesque houses in vernacular style (1989).
20. **Copers Cope Road, Beckenham** – Victorian and Edwardian detached and semi-detached houses (1999).
21. **Crystal Palace Park** - substantial Victorian houses surrounding historic park (1989).
22. **Cudham** - historic village centre (1985).
23. **Downe** - rural village (1977).
24. **Downs Hill, Beckenham** - cohesive inter-war development mainly in neo-Tudor and neo-Vernacular styles (1989).
25. **Durham Avenue, Bromley** - suburban development dating from the 1880s to the present day (1989).
26. **Farnborough Park** - mainly inter-war, detached houses on large plots with a mature landscape (1989).
27. **Farnborough Village** - village centre (1979).
28. **Garden Road, Bromley** - spacious Arts and Crafts suburban development (1989).
29. **Hayes Village** - village centre (1982).
30. **Keston Park** - mainly inter-war detached houses on large plots with a mature landscape (1989).
31. **Keston Village** - rural village (1989).



## APPENDIX I

### AREAS OF SPECIAL RESIDENTIAL CHARACTER

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#### General guidelines

- I.1 In considering areas for designation as Areas of Special Residential Character, the Council will have regard to the following criteria:
- (i) there should be a sufficient number of properties to form an area of distinctive character. The area should be well established, readily identifiable and coherent;
  - (ii) the majority of properties should generally have the same readily identifiable characteristics (e.g. high spatial standards, similar materials, well-landscaped frontages);
  - (iii) the boundary should be easily defined and defensible; and
  - (iv) the areas defined should be primarily residential in character.
- I.2 When considering applications for new development in Areas of Special Residential Character (ASRCs), the Council, as well as applying the general housing policies in Chapter 4 of the UDP, will pay particular regard to Policy H10 and the following development control guidelines for such areas:
- (i) developments likely to erode the individual quality and character of the ASRCs will be resisted. Reference will be made to the description of areas given below for a determination of individual quality and character.
  - (ii) residential density shall accord with that existing in the area.
  - (iii) spatial standards of new development (plot width, garden depth and plot ratio) shall accord with the general pattern in the area.
  - (iv) the general height of existing buildings in the area shall not be exceeded.
  - (v) the space between a proposed two or more storey development and the side boundary of the site should accord with that prevailing in the area.
  - (vi) backland development will not be permitted.
  - (vii) new development will be required to take account of existing front and rear building lines.
  - (viii) existing mature trees and landscaping shall be retained wherever possible.
  - (ix) conversions, where appropriate, will only be acceptable where they do not alter the external appearance of the building.
  - (x) proposals, including conversions that are likely to significantly increase the proportion of hard surfacing in front of existing properties, will be resisted unless accompanied by satisfactory landscaping proposals.
  - (xi) materials shall match or complement those in adjoining existing developments.
  - (xii) areas of land indicated as Urban Open Space on the Proposals Map will not be developed for any purpose.



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## Appeal Decision

Site visit made on 19 November 2012

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 November 2012

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**Appeal Ref: APP/G5180/D/12/2184169**

**267 Chislehurst Road, Petts Wood, Orpington, Kent BR5 1NS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Suleyman Gurdere against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/12/02100/FULL6 was refused by notice dated 28 August 2012.
  - The development proposed is the erection of an extension to existing garage to rear.
- 

### Decision

1. The appeal is dismissed.

### Main issues

2. The main issues are the effect of the proposed extension on the character and appearance of the Chislehurst Road, Petts Wood Conservation Area and on the setting of The Tudor House.

### Reasons

3. This appeal relates to a single storey, detached, pitched roof outbuilding that is currently used as a garage. It stands in the generous landscaped grounds of The Tudor House, which is an attractive, substantial dwelling that occupies a large corner plot at the junction of Chislehurst Road and Birchwood Road. The Tudor House is a locally listed building.
4. The site lies within the Chislehurst Road, Petts Wood Conservation Area (CA). The CA is predominantly residential in character with large detached dwellings that generally occupy sizeable plots with mature landscaped gardens. The Council's Supplementary Planning Guidance, *Chislehurst Road, Petts Wood Conservation Area* (SPG) makes several references to The Tudor House, notably as a striking and high quality example of the neo Tudor style and a strong influence over the design and appearance of many smaller houses in the designated area.
5. The proposal is to extend the existing outbuilding mainly by increasing its length. The new addition has been designed to reflect the style and form of the existing building and includes matching external materials. It would be located at the rear of the existing building and noticeably set back from the site's boundaries. Nevertheless, the proposal would result in a significant

- elongation of the building as well as a substantial increase in its scale and mass and an enlargement of its footprint. It would be a sizeable addition.
6. The tall hedge that generally marks the site's highway frontages and other vegetation would largely screen the proposed extended building from public vantage points. Nevertheless, its upper section would be evident particularly in views from Chislehurst Road in the vicinity of the site. When seen from this highway, the considerable length of the ridge and expanse of roof slope would indicate the building's scale and mass. Given the position of the appeal building in the foreground to The Tudor House when seen from Chislehurst Road, it would visually compete with the locally listed building with the new built form in place. In doing so, the proposal would materially reduce the positive contribution of The Tudor House to the visual character of the CA.
  7. Although located no closer to The Tudor House than the existing garage, the proposal would result in a significantly larger building. In my opinion, the additional built form would noticeably reduce the space around the main house, to the detriment of its setting.
  8. A core planning principle of the National Planning Policy Framework is the conservation of heritage assets such as conservation areas and buildings of historic and architectural merit. For the reasons given, the proposal would not adhere to this principle.
  9. Against that background, I conclude that the proposed extension would be obtrusive in the local street scene and out of keeping with the character and appearance of the local area. It would fail to preserve or enhance the character and appearance of the CA and cause significant harm to the setting of a locally listed building. Accordingly, the proposal conflicts with Policies BE1, BE10, BE11 and H8 of the London Borough of Bromley Unitary Development Plan and the Council's SPG. These policies and guidance broadly seek to ensure that development, amongst other things, respects or complements existing buildings and spaces, including locally listed buildings, and preserves or enhance the character or appearance of conservation areas.
  10. For the reasons given above and having regard to all other matters raised, including the absence of objections from others, I conclude that the appeal should be dismissed.

*Gary Deane*

INSPECTOR



**Town Planning**

Civic Centre, Stockwell Close, Bromley BR1 3UH

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Direct Line:  
Email: [planning@bromley.gov.uk](mailto:planning@bromley.gov.uk)

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DX5727 Bromley

Mr And Mrs McCarthy  
C/o Crofton Design Services  
Mt David Horn  
3 Rice Parade  
Fairway  
Petts Wood  
Kent  
BR5 1EQ

2 /5th February 2009  
Application No : DC/08/04139/FULL6  
Date : 9th February 2009

*Appeal Dismissed 17/07/2009*

**TOWN AND COUNTRY PLANNING ACT 1990  
TOWN AND COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995**

**NOTIFICATION OF REFUSAL OF PLANNING PERMISSION**

Take notice that the Council of the London Borough of Bromley, in exercise of its powers as local planning authority under the above Act, has **REFUSED** planning permission for the development, referred to in your application received on 17th December 2008.

at : 8 The Chenies Petts Wood Orpington Kent BR6 0ED

Proposal: First floor side extension

For the following reasons:-

- 1 The proposed extension by reason of size and bulk would result in an incongruous feature within this part of The Chenies and would neither preserve nor enhance the character of the Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.
- 2 The proposal, by reason of the cumulative impact of extensions to the property, represents a cramped overdevelopment of the site, out of character and harmful to the spatial standards of The Chenies Conservation Area, contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan.

Signed:

*[Signature]*  
**CHIEF PLANNER**

DC/08/04139/FULL6





## Town Planning

Civic Centre, Stockwell Close, Bromley BR1 3UH

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DX5727 Bromley

On behalf of the London Borough of Bromley Council

**YOUR ATTENTION IS DRAWN TO THE NOTES OVERLEAF**



INVESTOR IN PEOPLE

Director of Renewal and Recreation Marc Hume

DC/08/04139/FULL6

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## Appeal Decision

Site visit made on 28 August 2013

by **S M Holden BSc MSc CEng TPP MRTPI FCIHT**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 September 2013

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**Appeal Ref: APP/G5180/D/13/2201406**

**44 Wood Ride, Petts Wood, ORPINGTON, Kent, BR5 1PY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Mark Foster against the decision of London Borough of Bromley.
  - The application Ref DC/13/00658/FULL6 was refused by notice dated 10 May 2013.
  - The development proposed is a two storey front, side and rear extension. Roof alterations, including formation of front gable.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issues are the effects of the proposed extension on:
  - a) the character and appearance of the host property and the surrounding area;
  - b) the living conditions of the occupants of No 46 in relation to loss of outlook and overshadowing.

### Reasons

#### *Character and appearance*

3. Wood Ride is characterised by modest-sized detached and semi-detached two-storey dwellings set in generously proportioned plots. The houses display a variety of designs with a mixture of gables and bay windows of different shapes and sizes. The area has been designated as an Area of Special Residential Character (ASRC).
4. No 44 is a detached, brick built house with a hipped roof above its bay windows. Its front elevation includes a large open porch, which is set back from the main bay window that aligns with the street's predominant building line. There is a modest gap between this property and the garage of No 42, which has a mono-pitched roof sloping towards the shared boundary. On the western side of the house there is an attached single garage, the flank wall of which forms the boundary with No 46. This adjoining house is half of a pair of semis with an integral garage. The passage that separates the side elevation of No 46 from the flank wall of the garage of No 44 is less than 1m wide.

5. The proposal comprises a number of distinct elements. Firstly, there would be a two-storey extension at the front to replace the porch. Secondly, a single storey element would be added to the rear of the garage that would project 4m beyond the existing rear elevation of the house. This extension would have a pitched roof. Thirdly, there would be a first floor added above the garage, which would project as far as the existing rear elevation. These additions would also give rise to requirements for major alterations to the roof including changing its pitch. Finally, a new front facing gable is proposed above the bay windows.
6. These alterations would substantially alter the appearance of the dwelling, significantly increasing its width and bulk. The house would take on a lopsided appearance as a consequence of the 1m set in from the boundary with No 46 at first floor level. This would also result in different sizes of windows and expanses of roof on either side of the new gable. Whereas the existing bay window is the distinctive feature of the house, its prominence would be diminished because of the additions on either side. It seems to me that the combined effects the various alterations would simply overwhelm the host property.
7. In addition the projection of the single storey extension along the shared boundary would not reflect the predominant layout elsewhere in the vicinity. It seems that the detached houses are usually set in from their side boundaries, thus contributing to the spacious appearance of the area. I am therefore not persuaded that the proposal represents a good design that would be compatible with the quality of the ASRC, even if some parts of it would not be visible from the public realm.
8. Another defining characteristic of the ASRC is the presence of gaps between the buildings, particularly at first floor level. The proposal would bring the flank wall of the extension within 2m of the flank wall of No 46. I consider this would diminish the existing gap to an unacceptable degree, resulting in the two properties appearing to be cramped. This would also be particularly noticeable given the greater height of the adjoining pair of semis. The existing separation distance between Nos 44 and 46 ensures that the latter does not appear to dominate No 44. It would also be very different from the relationship between No 44 and its other neighbour No 42, where the mono-pitched roof of the garage ensures that there is a good-sized gap at first floor level.
9. Saved Policy H9 of the London Borough of Bromley requires proposals for two or more storeys to maintain a minimum of 1m from the side boundary for the full height and length of the flank wall of the building. Whilst this has been achieved with the proposed design, the proximity of No 46 to the shared boundary means that the overall gap would be less than 2m and therefore less than the more generous gaps that exist elsewhere in Wood Ride. The policy goes on to set out an expectation for greater separation distances where these already exist, which is the case here. In my view the proposal would fail to comply with the underlying aim of the policy to protect the spaciousness of this particular residential area.
10. In coming to this view I have taken account of the various examples of other developments in the locality that were brought to my attention. I acknowledge that the existing gaps between properties on the estate vary and there may be situations where a set back from the boundary of 1m, as proposed here, would result in a scheme being acceptable. However, this depends on the unique

circumstances and designs of the adjoining houses, which are factors that I have taken into consideration in assessing the appeal scheme on its individual planning merits.

11. I therefore conclude that the proposal would be harmful to the character and appearance of the area, contrary to the aims and objectives of saved Policies H9 and H10 of the Unitary Development Plan, which seek to protect the distinctive character and high quality of the Borough's residential areas. The National Planning Policy Framework (The Framework) also advises that good design is a key aspect of sustainable development and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of any area. I consider permitting the appeal scheme would be contrary to this advice.

*Living conditions*

12. There are a number of windows and a door in the flank elevation of No 46. The door and window on the ground floor provide secondary light to the kitchen. Its main outlook is from a small, north-facing window that overlooks the rear garden. Nevertheless, any overshadowing of the window and door in the side elevation would be noticeable because of the orientation of the house and the small size of the rear window. The proposal would therefore make the kitchen appear darker and more enclosed.
13. At first floor level there are two small windows fitted with obscure glass that serve a toilet and bathroom. These would be unlikely to be adversely affected by material loss of light. However, the remaining window is the only one serving a habitable room, which is currently being used as a study. The outlook from this room is already somewhat restricted by the presence of the existing flank wall of No 44, which is just over 5m away. However, the proposed extension would bring the flank wall to within 2m of this window. This decrease in the separation distance would reduce the amount of daylight and sunshine reaching the room, particularly early in the day. It would also significantly increase the sense of enclosure experienced within this room, making it a less pleasant room in which to be or to work. I consider this would be materially harmful for the occupants of this adjoining property.
14. In coming to this view I am making a clear distinction between loss of outlook and loss of view. Loss of outlook arises from a proposal being in close proximity to existing development and consequently introducing a sense of enclosure, appearing overbearing and being visually intrusive. Such loss is a material planning consideration. By contrast loss of a view, which relates to what can be seen over much greater distances, is not.
15. The single storey extension would project 4m beyond the existing rear elevation of No 44 and its flank wall would be along the shared boundary. There is a change of levels at the rear of the house with a short set of steps leading to the rear garden, which is at a lower level. At present there is a close-board fence along this boundary, which provides privacy for the occupants of both houses. Beyond the rear paved area the top of the fence is angled to accommodate the change in levels.
16. The proposed extension would project a little further into the garden than this change in levels. Its flank wall would be visible just above the fence. However, its additional height would be even more apparent where the existing

fences slopes down to the garden. No 46 has a small raised patio immediately adjacent to the boundary fence. The proposal would increase the sense of enclosure on this patio and reduce the amount of morning sunshine that could reach this area. This would make this private amenity space less usable and pleasant for the occupants of No 46.

17. For these reasons I conclude that the proposed extension would be harmful to the living conditions of the occupants of No 46 arising from loss of outlook to the study windows and overshadowing of the windows and rear patio on the side elevation of the house. The proposal would therefore fail to comply with saved Policy BE1 of the Local Plan, which seeks to protect the living conditions of the Borough's residents from unacceptable loss of amenity. I note that the existing occupants of No 46 did not object to the scheme, but it is my duty to consider the long-term effects on the living conditions of existing and future occupants of this adjoining property.

### **Conclusion**

18. I appreciate that the appellant wishes to increase the size of his home and has addressed some aspects of the Council's requirements by setting back the side elevation of the extension. The proposal would not result in any loss of privacy for the occupants of No 46 and its relationship with No 42 would be acceptable. However, these positive aspects of the proposal do not diminish the harm I have identified which arises from the overall scale of the proposal and its effects on the living conditions of the occupants of No 46.
19. For these reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*Sheila Holden*

INSPECTOR

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## Appeal Decision

Site visit made on 20 January 2016

by **P Jarvis Bsc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 February 2016

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**Appeal Ref: APP/G5180/W/15/3133381**

**6 Ladywood Avenue, Petts Wood, Orpington, Kent BR5 1QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Heniam Ltd against the decision of the Council of the London Borough of Bromley.
  - The application Ref DC/15/01312/FULL1 dated 27 March 2015 was refused by notice dated 5 August 2015.
  - The development proposed is demolition of 6 Ladywood Avenue (former Friends Meeting House) and construction of 2 no. two storey detached five-bedroom dwellings with new vehicular access from Ladywood Avenue and associated parking.
- 

### Decision

1. The appeal is dismissed.

### Main issue

2. The main issue is the effect on the character and appearance of the locality including the Area of Special Character (ASC).

### Reasons

3. The appeal site is located on the corner of Ladywood Avenue and Greencourt Road. It is a larger than average plot within the immediate area, with the existing Friends Meeting House sited towards the southern boundary with open garden areas to the front, side and rear. The existing building is two-storey, of similar appearance and proportions to the adjoining residential dwellings, albeit has a large single-storey rear addition and thus has a greater footprint than the majority. The dwellings within the locality consist of a mixture of detached and semi-detached properties of mainly inter-war age, predominantly with white rendered elevations, bay windows and timber framing under hipped or pitched tiled roofs.
  4. The site lies in the Petts Wood ASC in respect of which Policy H10 of the London Borough of Bromley Unitary Development Plan (2006) (UDP) states that development will be required to respect and complement the established and individual qualities of the individual areas as identified in Appendix 1. The appendix sets out further guidelines including that development should accord with the general density, spatial standards, pattern and height of existing development. The description of the area notes that the dwellings were built over a number of years of similar though varied styles but with a road layout and plot size established in an overall pattern.
-

5. More recently the Council has supplemented the above description with an updated statement which refers to the original garden suburb design with large plot sizes spaciouly placed and characteristics including an open feel, low boundaries, visible front gardens and greenery giving the area an open feel.
6. I consider that many of these attributes are found within the locality of the appeal site. Ladywood Avenue is a pleasant tree lined road with grass verges enhanced by further mature planting within front gardens. The mature trees, some of which are the subject of tree preservation orders, and other vegetation on the appeal site, contribute greatly to this character with the open corner and side garden giving a more generous feeling of spaciousness to this corner location.
7. The proposed dwellings would front onto Ladywood Avenue, set back a similar distance as others along the western side of the road, one occupying a similar position to the existing building and the other located in the northern half of the site towards the Greencourt Road frontage.
8. However, they would have much greater footprints than the majority of the surrounding dwellings with deep, square forms and central flat 'crown' roof, extending to a greater depth on the site. Although when viewed 'face on' in the Ladywood Avenue streetsence, the dwellings would appear to be of similar bulk and height to those adjoining, when viewed from further to the south and from the north along Ladywood Avenue and west along Greencourt Road, the uncharacteristic bulk and crown roof form of the dwellings would be discernible.
9. In particular, the view of the dwelling on plot 2, to the north of the site, from both Ladywood Avenue and Greencourt Road, would present long side and rear elevations with large bulky side dormer addition, the overall proportions and scale of which would not be sympathetic to the generally more modestly scaled built form of the existing dwellings. In addition, there would be extensive areas of hardstanding within the Ladywood Avenue streetscene.
10. Whilst an area of landscaping at the northern corner of the site and boundary hedging would be provided, this together with the preserved trees would in my opinion be insufficient to mitigate the harmful impact that the excessive amount of built form proposed would have, nor would it reflect the green and spacious quality of the area.
11. Overall, I therefore find that the proposal would have a harmful effect on the character and appearance of the locality and Petts Wood ASC. It would thus conflict with UDP Policies BE1, H7 and H10 which seek to ensure that development proposals are of a high standard of design and layout that recognise and complement the scale, form and layout of adjacent buildings and areas, and as noted above, respect the individual qualities of the ASC.
12. There would also be conflict with Policies 3.4 and 3.5 of the London Plan, which although seeking to optimise housing output, state that local character and context should be taken into account and seek to protect and enhance London's residential environment and attractiveness.
13. For the reasons set out above, the proposal would also fail to comply with the National Planning Policy Framework which, in recognising that good design is a key aspect of sustainable development and seeking to optimise the potential of a site to accommodate development, also aims to respond to local character and reflect the identity of local surroundings.

14. I acknowledge that the dwellings are, in themselves, well-designed properties that reflect some of the detailing and characteristics of the surrounding properties. However, it is the overall scale and bulk of the proposed dwellings that I consider would be out of keeping with the built form of those within the locality of the site and which provide its local context. This overall level of harm would not in my view be outweighed by any benefits arising from the provision of the housing.
15. I have noted the appeal decisions referred to by the parties, particularly in respect of a site in Willett Way at the far western end of Greencourt Road. However, in the latest decision in 2015, which allowed a scheme for the replacement of the existing dwelling with two dwellings, the Inspector noted that there were dwellings of considerable bulk within the immediate area, some on very constrained plots.
16. Whilst some dwellings within the more immediate locality of the appeal site have been extended, I would not describe them as being of considerable bulk nor have they altered the predominant character, which remains of more modest built forms, to the extent that the proposal could be said to be in keeping. Furthermore, having viewed the Willett Way site and its surroundings, I consider that whilst it is in the ASC, its immediate environs are rather different to the appeal site before me. In addition, it has different characteristics and in particular it is not a corner site.

**Conclusion**

17. I therefore conclude that this appeal should be dismissed.

*P Jarvis*

INSPECTOR

Policy BE12 of the Bromley UDP (2006)

**POLICY BE12 (DEMOLITION IN CONSERVATION AREAS)**

**A proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution to its character or appearance will not be permitted unless the following can be demonstrated:**

- (i) there is clear and convincing evidence that reasonable efforts have been made to continue the present use or to find a viable use for the building and these efforts have failed and it is demonstrated that preservation of the building as part of the scheme or in some form of charitable or community ownership is not possible or suitable, or**
- (ii) the costs of repairs or maintenance of the building cannot be justified against its importance or the value derived from its retention, provided that the building has not been deliberately neglected, or**
- (iii) there will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the resulting demolition.**

**Acceptable and detailed plans for a replacement scheme will be required, even if it will involve total or substantial demolition of an unlisted building in a conservation area that makes little or no contribution to the character or appearance of that area.**

**A condition will be imposed on a planning permission granted, to ensure that demolition shall not take place until a contract for the carrying out of the development works has been made.**

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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/01895/FULL1

**Ward:**  
**Darwin**

**Address :** Warren Farm Berrys Green Road Berrys  
Green Westerham TN16 3AJ

**OS Grid Ref:** E: 543769 N: 158902

**Applicant :** Mr Tearle

**Objections :** YES

### **Description of Development:**

Demolition of all existing buildings and erection of seven detached dwellings, with reconfigured access road and dedicated parking spaces.

Key designations:

Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding

### **Proposal**

This full application is for the erection of seven detached houses within what is a redundant egg producing battery farm. Seven barns of varied size will be demolished, together with an existing two storey house which was associated with the redundant farm. The site will be comprehensively redeveloped with the existing access relocated and to a more central position in relation to the frontage. The proposed houses will be spread fairly evenly across the site. In all, the proposed houses will incorporate a total footprint of 853sq m and a floor area of 1490sq m (accounting for the ground and first floor accommodation). Although landscaping would be subject to a condition requiring more details approval, the submitted plans indicate that the north-eastern corner of the site - between the proposed access road and to the south of the boundary with 'Treetops' - will be landscaped and subject to potential tree planting.

Following receipt of revised plans received 17 November 2017, the initial proposal was revised to reduce the total number of houses from eight to seven, whilst attached garages/car port structures were removed from the retained houses in order to reduce the level of built development across the site.

The planning application is accompanied by a Design and Access Statement, Arboricultural Report and Bat Mitigation Survey.

### **Location**

The application site comprises of a redundant egg producing battery farm which falls within the Green Belt. It is situated approximately mid-way along Berrys Green

Road along its eastern side, approximately 700m to the north of its junctions with Buckhurst Road and New Barn Lane and 700m to the south of its junction with Berrys Hill. The site measures 0.74ha in area and measures up to approximately 210m in length. Its width varies from approximately 40 metres along its frontage to between 25m - 30m along its rear section. Presently, the site is occupied by five substantial barns, two smaller barns and a detached two storey house. The access is located around the north-eastern tip of the site.

Berrys Green Road is characterised by residential ribbon development which is mainly concentrated along the northern half of the road which, for the most part, is made up of detached houses occupying substantial plots and which maintain a generous degree of separation to one another. These characteristics contribute to the open and rural character of the area. The area surrounding the application site is particularly verdant in character, with the adjoining highway being narrow and tree-lined, while the site immediately to the south is subject to a blanket Tree Preservation Order (No 568). The northern boundary adjoins the site at 'Treetops' which is occupied by a detached bungalow. The western site boundary adjoins a footpath and Cherry Lodge Golf Club beyond that.

## **Consultations**

### Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- cramped development
- excessive number of units
- road unable to cope with additional vehicles
- site fronts a narrow single track lane which is at full capacity
- road safety concerns
- concern regarding congestion on local roads
- lack of infrastructure to support scale of proposal
- lack of site notice at the site [agent has responded to say that a site notice was installed]
- out of character with Green Belt location
- far smaller schemes have been refused on Green Belt grounds
- inconsistencies in planning decisions affecting the area
- plans should be reconsidered
- noise and light pollution
- proposal is contrary to Green Belt policies
- no special circumstances to justify potential harm to Green Belt
- additional bulk of built in development
- amended plans for seven units do not improve what is an inappropriate development in the Green Belt and address previous concerns regarding impact of the proposal
- given lack of frequent public transport links, families will rely on private cars resulting in increased traffic, and pollution
- significant construction activity involving large lorries will undermine living conditions for local residents

## Comments from Consultees

The Council's Drainage consultant has raised no objection, subject to conditions.

From an Environmental Health perspective, a contamination assessment should be undertaken.

From a technical Highways perspective, the following comments were raised:

*"The previous outline application for 6 houses was permitted. The number has now increased by a third. The site is within the lowest (0) PTAL area. The site is not sustainable and all trips associated with the site are likely to be by car.*

*Berrys Green Road is a relatively narrow lane. The frontage of the site where it meets the road is being opened up and it was agreed under the previous application that the sightlines were acceptable.*

*The impact will be the trips generated by the additional 2 houses on the immediate highway network. There will be an impact as a number of the lanes are narrow with single way working and additional vehicles will increase the potential delays etc. However, it is difficult to quantify the effect this will have and, although I would prefer to see a reduction in the number of dwellings, I do not think there is likely to be such a severe impact as to justify a ground of refusal.*

*I assume the refuse vehicle will enter the site. The turning head has been moved from the previous application. I would ask that the applicant supplies a swept path diagram to confirm that a 10.3m refuse vehicle can turn on site."*

In response to the above, the agent has provided a swept path analysis. The Council's Highways engineer is satisfied with the details provided. Accordingly, no technical Highways objection has been raised in relation to the revised plans for the seven proposed dwellings, subject to conditions.

The Council's Drainage consultant has raised no objection, subject to conditions.

From an Environmental Health perspective, a contamination assessment should be undertaken.

From a technical Highways perspective, the following comments were raised:

*"The previous outline application for 6 houses was permitted. The number has now increased by a third. The site is within the lowest (0) PTAL area. The site is not sustainable and all trips associated with the site are likely to be by car.*

*Berrys Green Road is a relatively narrow lane. The frontage of the site where it meets the road is being opened up and it was agreed under the previous application that the sightlines were acceptable.*

*The impact will be the trips generated by the additional 2 houses on the immediate highway network. There will be an impact as a number of the lanes are narrow with single way working and additional vehicles will increase the potential delays etc. However, it is difficult to quantify the effect this will have and, although I would prefer to see a reduction in the number of dwellings, I do not there is likely to be such a severe impact as to justify a ground of refusal.*

*I assume the refuse vehicle will enter the site. The turning head has been moved from the previous application. I would ask that the applicant supplies a swept path diagram to confirm that a 10.3m refuse vehicle can turn on site."*

In response to the above, the agent has provided a swept path analysis. The Council's Highways engineer is satisfied with the details provided. Accordingly, no technical Highways objection has been raised in relation to the revised plans for the seven proposed dwellings, subject to conditions.

### **Planning Considerations**

The application falls to be considered with regard to the following UDP policies:

- H1 Housing
- H7 Housing density and design
- T3 Parking
- T11 New accesses
- T18 Road Safety
- EMP5 Development outside business areas
- BE1 Design
- BE3 Buildings in rural areas
- NE5 Protected Species
- NE7 Development and trees
- G1 The Green Belt

Paragraph 80, 89 and 90 of the NPPF are relevant to this application and relate to the Green Belt. In addition, the new national technical housing standards are of relevance.

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

#### Emerging local plan

- Draft policy 49 (Green Belt)
- Draft policy 4 (Housing Design)
- Draft policy 37 (General Design of Development)

## Planning History

There is a lengthy planning history relating to the application site. The planning history since 1995 is set out in the table below.

95/02603	Replacement single storey agricultural building	Permitted 1996
01/01134	Change of use from chicken farm to Light Industrial/Commercial (Class B1) and storage (Class B8)	Refused 2001
01/03966	Change of use from chicken farm to light industrial/commercial (Class B1) and storage (Class B8)	Refused & dismissed at appeal 2002
01/03967	Demolition of agricultural buildings and erection of 4 dwellings and garages (Outline)	Refused & dismissed at appeal 2002
03/00438	External "Norfolk incinerator"	Permitted 2003
03/00439	Change of use from chicken farm to light industrial/commercial (Class B1) and storage (Class B8)	Refused 2003
03/00443	Demolition of agricultural buildings and erection of 2 dwellings (Outline)	Refused & dismissed at appeal in 2003
05/01002	Change of use of poultry farm buildings to mixed use comprising Class B1, B2 and B8	Refused 2005 & dismissed at appeal 2006
14/04310	Change of use of Agricultural Building to Class C3 dwellinghouses to form 3 dwellinghouses (56 day application for prior approval under Class MB of Part 3 of schedule 2 of the GPDO 1995 as amended).	Refused 2014
15/00472	Change of use of Agricultural Building to Class C3 dwellinghouses to form 3 dwellinghouses (56 day application for prior approval under Class MB of Part 3 of schedule 2 of the GPDO 1995 as amended).	Prior approval granted 2015
15/01340	Single storey rear extension, extending beyond the rear of the original house by 8m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)	Refused 2015
15/02449	Single storey rear extension, extending beyond the rear of the original house by 8m, for which the maximum height would be 3m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)	Refused 2015
15/05159	Demolition of all existing buildings and erection of seven detached dwellings, together with access road and parking facilities (Outline)	Withdrawn
16/01961	Demolition of all existing buildings and erection of six detached dwellings, with reconfigured	Permitted 2016

	access road and dedicated parking spaces <b>OUTLINE APPLICATION REGARDING          ACCESS AND LAYOUT</b>	
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In essence, planning application references 01/01134, 01/03966, 03/00439, 05/01002 were refused on the basis that these would result in intensification in the use of an access with inadequate sightlines, and would result in an unacceptable increase in vehicle parking and associated thereby constituting inappropriate development in the Green Belt.

In respect of the residential schemes, refs 01/03967 and 03/00443, it was also considered that these would result in intensification in the use of an access with inadequate sightlines, and this would constitute inappropriate development in the Green Belt within which there was a presumption against residential development.

Prior Approval was granted under ref. 15/00472 for the conversion of three of the existing barns to dwellings: this following an earlier unsuccessful application for a similar scheme (ref. 14/04310). Subsequent to that, Prior Approval was refused for applications to extend the existing dwelling on the site.

Most recently, under application ref. 16/01961, the Council granted outline permission for the demolition of all of the existing buildings within the site and the erection of six detached dwellings, with a reconfigured access road and dedicated parking spaces. It was noted that the proposal would result in a significant reduction in the level of built form within the site, and that such a reduction would significantly enhance its openness of the site. It was concluded that the characteristics of the application site and proposal amounted to very special circumstances to justify the scheme.

**Conclusions**

The main issues for consideration are: the appropriateness of this development in the Green Belt, including its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances. This application follows the grant of outline permission under reference 16/01961 for a residential scheme comprising six detached dwellings, in which the principle of residential redevelopment of the site was accepted, and it was concluded that the commercial use of the site was no longer viable. In essence, this proposal seeks permission for one additional dwelling and incorporates detailed plans in contrast to the previous outline application. This proposal is considered in light of that previous proposal.

As outlined above, the application site forms a redundant egg producing battery farm. The site is dominated by various barns which straddle the length of the site, including four substantial chicken sheds within the south-east corner of the site and another within the western end of the site. In addition, the site includes a two storey detached house which occupies a central position of the site and two other barns to its north and west. These structures are accessed by a driveway comprising of

hardstanding which extends from the site entrance. The site contains a high proportion of built forms and is highly developed. Despite that, in policy terms the existing agricultural-related development is considered to constitute appropriate development in the Green Belt.

The National Planning Policy Framework allows some *“limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.”* In terms of the question of whether the site represents previously developed land, it is noted that the site is predominantly occupied by agricultural buildings and therefore it does not fall entirely within the NPPF definition of previously developed land. Accordingly, such a housing proposal represents inappropriate development in the Green Belt for which very special circumstances are required to be demonstrated in order to justify the scheme. Paragraph 87 of the NPPF states that *“as with previous Green Belt policy, inappropriate development is by definition harmful to the Green Belt and should not be approved, except in very special circumstances.”*

In this case following amendments to the General Permitted Development Order the site benefits from Prior Approval relating to the conversion of three of the existing sheds to residential use, which could incorporate a cumulative floor area of 450sq m (as granted under application ref. 15/00472). In effect, this would enable three additional houses to be constructed on site, whilst the remaining agricultural structures could remain in situ. In comparison to the prevailing planning policies at the time of the 2001 and 2003 planning applications, for which residential development was previously sought, current planning policies allow for a greater flexibility in terms of the re-use of buildings which have legitimately been used for agricultural trades or businesses. On this basis, it is considered a more intensive residential use of the site can be justified in principle.

Whilst local objections have been received on the basis this scheme will comprise an unacceptably cramped form of development, will be excessive in scale, and appear out of character in the Green Belt, in view of the self-contained nature of the development, the degree of separation of the proposed houses from neighbouring properties, and the proposed landscaped area adjacent to the boundary with ‘Treetops’, it is not considered that the living conditions of surrounding residents will be appreciably undermined.

In terms of highway issues, this scheme includes the re-siting of the vehicular access to a more central position in relation to the frontage. Whilst the Council has previously expressed concerns in relation to the intensification in the use of the existing access, such a comprehensive redevelopment as is now proposed will enable the vehicular access and entrance road to be designed in a manner which will achieve adequate sightlines; furthermore, the likely trip generation for seven houses is considered to be acceptable in light of the current lawful use of the site. A swept path analysis included in the proposed plans shows that refuse vehicles will be able to turn on site.

Taking account of the above, it has previously been accepted the site in its existing form and use is no longer financially viable in view of its significant constraints. Whilst not constituting previously developed land, the site is nonetheless highly developed with little sense of openness maintained. In view of the passage of time and their lack of use, the buildings appear unsightly and fail to contribute positively to local character. It is also established that the site can accommodate a more intensive residential form of development, albeit by way of the conversion of existing buildings on the site.

In terms of its key merits, as with the previous scheme for six detached houses (ref: 16/01961) the proposal will result in a significant reduction in the level of built form within the site, with the current buildings footprint reduced from 2840sq m to 853sq m (with the overall floor area falling from 2919sq m to 1490sq m). (The 'Prior Approval' layout could, by contrast, retain an overall buildings footprint on 2256sq m within the site). Such a reduction as is now proposed will significantly enhance the openness of the site, with overall buildings coverage reduced from approximately 38% to 11%, this involving much of the site being re-contoured and landscaped. The overall floor area and building footprint will remain identical to that approved for the six dwellings under the previous outline application. On the whole, the proposed houses are modestly proportioned with an element of the proposed first floor accommodation inset within the roof area within some of the units. Furthermore, attached and detached car ports have been removed from the proposed units (as per the revised plans received 17.11.17) in order to reduce the number of built structures within the site and ensure an equal floor area to the previous proposal. The siting of Unit 1 has also been relocated further eastward (again, as per the revised plans received 17.11.17), meaning that the far-western side of the site will be open, and ensuring that the proposed houses are more tightly clustered. Taking account of these revisions, it is considered that the proposal will have a positive effect on the visual amenity and openness of the Green Belt and maintain a similar form to the previous 6-unit scheme.

The proposed houses will be generously apportioned within the site which will bear some reflection of local character. Whilst this proposal includes one additional dwelling since the previous scheme (following amendments made at application stage resulting in the removal of one house from the eight initially proposed), given the similar floor area and volumes and the siting and spacing of the proposed houses, it is considered that the proposal remains acceptable in terms of Green Belt and local character.

Notwithstanding the above, housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of small scale infill development in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

In regard to ecology, a bat survey was submitted with the application which found that there was no bat activity or roosts found; however, it is considered that all

buildings should be resurveyed before any works commence by a licensed bat ecologist should circumstances have changed in the intervening period.

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015). The floorspace size provision for all of the units is compliant with the required standards and is considered acceptable. The shape and room size in the proposed units is generally considered satisfactory for the ground and first floors where none of the rooms would have a particularly convoluted shape which would limit their specific use. In accordance with Standard 11 of Housing: Supplementary Planning Guidance. (March 2016) of the London Plan 90% of all new dwellings should meet Building Regulation M4(2) 'accessible and adaptable dwellings'.

In conclusion, it is considered that the above factors amount to very special circumstances to justify such development in the Green Belt. This proposal is considered to represent a sustainable form of development, making effective use of this redundant agricultural unit, whilst enhancing local character and openness.

Background papers referred to during production of this report comprise all correspondence on the file refs set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 17.11.2017**  
**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3** Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 4** Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 5** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 6** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

- i)** provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

**ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and**

**iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.**

**The scheme shall be implemented, maintained and managed in accordance with the approved details**

**Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.**

**7 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

**Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.**

**8 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.**

**Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.**

**9 Details of the finished surfaces of the access road, garage drives and parking areas, which shall include coloured materials and block paving, and of the street lighting installations, shall be submitted to and approved in writing by the Local Planning Authority before the development commences and the access road, drives, parking areas and street lighting shall be completed in accordance with the**

approved details before any of the dwellings hereby permitted are first occupied.

**Reason:**In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual amenities of the area.

- 10 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

**Reason:**In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 11 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 12 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 13 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made

**within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

**Reason: In the interest of the visual amenity and openness of the Green Belt and to accord with Policies G1 and BE1 of the Unitary Development Plan and Section 9 of the National Planning Policy Framework.**

**14 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

**15 No part of the development hereby permitted shall be commenced prior to a contaminated land assessment and associated remedial strategy, together with a timetable of works, being submitted to and approved in writing by the Local Planning Authority.**

**a) The contaminated land assessment shall include a desk study to be submitted to the Local Planning Authority for approval in writing. The desk study shall detail the history of the sites uses and propose a site investigation strategy based on the relevant information discovered by the desk study. The strategy shall be approved in writing by the Local Planning Authority prior to investigations commencing on site.**

**b) The site investigation, including relevant soil, soil gas, surface water and groundwater sampling shall be approved in writing by the Local Planning Authority.**

**c) A site investigation report detailing all investigative works and sampling on site, together with the results of analysis, risk assessment to any receptors, a proposed remediation strategy and a quality assurance scheme regarding implementation of remedial works, and no remediation works shall commence on site prior to approval of these matters in writing by the Authority. The works shall be of such a nature so as to render harmless the identified contamination given the proposed end-use of the site and surrounding environment.**

**d) The approved remediation works shall be carried out in full on site in accordance with the approved quality assurance scheme to demonstrate compliance with the proposed methodology and best practise guidance. If during any works contamination is encountered which has not previously been identified then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.**

e) Upon completion of the works, a closure report shall be submitted to and approved in writing by the Authority. The closure report shall include details of the remediation works carried out, (including of waste materials removed from the site), the quality assurance certificates and details of post-remediation sampling.

f) The contaminated land assessment, site investigation (including report), remediation works and closure report shall all be carried out by contractor(s) approved in writing by the Local Planning Authority.

**Reason:** In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

16 All of the existing buildings shall be resurveyed before any demolition works take place and a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. The Council shall be advised of the timing of the survey. If any bats are discovered, details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.

All of the existing buildings shall be resurveyed by a licensed bat ecologist before any demolition works take place and a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. The Council shall be advised of the timing of the survey. If any bats are discovered, details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.

17 All of the existing buildings shall be resurveyed by a licensed bat ecologist before any demolition works take place and a survey has been carried out to ascertain if any bats are roosting in the buildings concerned. The Council shall be advised of the timing of the survey. If any bats are discovered, details shall be submitted to and approved in writing by the Local Planning Authority of the timing of the works and any necessary mitigation measures. The works shall be carried out in accordance with the approved timing and mitigation measures.

**Reason:** In order to comply with Policy NE3 of the Unitary Development Plan and in order to safeguard the interests and well-being of bats on the site which are specifically protected by the Wildlife and Countryside Act 1981 (as amended).

**18 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/02381/FULL1

**Ward:**  
**Chelsfield And Pratts**  
**Bottom**

**Address :** 62 Windsor Drive Orpington BR6 6HD

**OS Grid Ref:** E: 546551 N: 163978

**Applicant :** Mrs S Thomson

**Objections : YES**

### **Description of Development:**

Retention of modular buildings in revised location.

### **Key designations:**

Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Smoke Control SCA 28

### **Report Update**

The application was deferred without prejudice to any future decision at Plans Sub Committee No. 3 on the 31/08/2017 to invite the applicant to put forward design improvements. Amended plans have subsequently been received dated 22/11/2017 and the proposed amendments involve additional screening provided by vegetation along the north east flank boundary.

Additionally the following documents have been received:

- Updated support letter from Bromley Clinical Commissioning Group
- Illustration of proposed alterations and screening of modular building
- Agent's support letter

### **Proposal**

This proposal is for the retention of a single storey rear modular extension to provide two consultation rooms, an office and WC to the doctor's surgery with an enclosed walkway in a revised location. The extension would be rotated through 90 degrees so that it would span the width of the property. The extension would measure between 9.4m and 5.2m in depth including a gap of 0.3m between the main building and it would be 10.2m in width. The roof would be flat with a varied height of between 3.3m and 2.5m as a result of the sloping ground level and proposed stepping down of the ground level of the part of the modular extension.

## Location

The site is situated on the junction with Windsor Drive and Woodside and hosts a detached property which has been converted to a GP surgery from a dwelling. The surrounding area is predominantly residential and is characterised by detached and semi-detached houses.

## Consultations

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

In support:

- Chelsfield Surgery provides NHS medical care to over 8,000 patients and need the extra space to fulfil its commitments to its practice
- is an attempt to reach compromise with Council
- modular building is an asset the GP surgery
- patient numbers continue to increase and the local ageing population continues to grow
- accessible ground floor level rooms is essential
- excellent doctors practice but,
- without the extra to the extension will provide patients will suffer
- national problem with accessing GPs
- will put provisions for 8000 local residents in jeopardy
- urge the authority to consider the affect the loss of provision would make to its constituents and allow the application
- as patients and members of Patient Participation Group for Chelsfield Surgery we support the planning application
- patients since 1981 and have excellent care
- the modular building will help the surgery continue its much valued work in Chelsfield
- surgery has grown in patients an variety of services
- Also a teaching practice and with shortage of doctors
- Essential they have sufficient room to accommodate trainee doctors
- Extensions is accepted by patients and neighbours
- Fulfils an urgent space requirement for a modern practice
- With doctors, admin staff as well as nursing professionals
- Vital to community
- Would fail CQD inspection if not there
- Please regularise this matter
- Fully support application
- Absolute necessity that clinical rooms are kept
- Provides access for disabled patients
- Clinical rooms are in constant use so surgery can provide full service
- Removing them would be devastating and patients will suffer
- Patient of the practice for 50 years
- Grown older and less mobile as many other patients

- Difficult to get upstairs to nurses rooms
- Modular extension provides room for nurses at ground floor  
For practice manager and toilet facilities for many disabled patients
- Government wants practices such as these
- To carry out more work usually done at hospitals not possible without extra rooms
- Care received is excellent
- Have young children one with disabilities and dreads GP surgery being affected
- Building supports better healthcare which is massively under strain
- With new detached properties in rear gardens in Windsor Drive that are too small, cannot see any objections to proposal
- extension or modular buildings are essential
- maintain the high calibre of services available at my GP practice
- especially when NHS is under such pressure from patient demand
- taking away clinical rooms
- patients will suffer not improve
- original building too small for medical and support staff
- health service budget constraints
- proposed extension is only option

In objection:

- owner of this property with no access since 2001
- was not consulted or consented to original construction of portacabins
- unaware of discussion between The Council and current tenants
- Enforcement action ongoing
- strongly object to the new plans
- latest attempt to circumvent planning committee decision
- chairman stated at the time of committee that this was an 'industrial unit in a residential setting'
- situation has not changed
- plan is simply to move position of portacabins
- Never objected to a proper brick built extension passed in 2013
- Meaning issue of space could have been resolved long ago
- Permission has lapsed however I am sure that if the practice re-submitted the plans, the Council would be very sympathetic
- Objection is to the temporary and industrial nature of portacabin
- Not objecting to work of the surgery
- Make the enforcement order a real order
- Please remove the portacabin all together
- It is an industry building in a residential area
- No matter what layout
- court order being ignored and negotiated

No technical Highways objections subject to standard conditions and informatives.

No Environmental Health objections have been raised.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

The London Plan (2015)

Policy 3.2 Improving health and addressing health inequalities  
Policy 3.16 Protection and enhancement of social infrastructure  
Policy 3.17 Health and Social Care Facilities  
Policy 7.4 Local Character  
Policy 7.6 Architecture

Unitary Development Plan (UDP) (2006)

BE1 Design of New Development  
C1 Community Facilities  
C4 Health Facility  
NE7 Development and Trees

Emerging Local Plan

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that submission of the draft Local Plan to the Secretary of State in mid 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 37 - General Design of Development  
Draft Policy 73 Development and Trees  
Draft Policy 20 Community Facilities  
Draft Policy 26 - Health and Wellbeing

Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

National Planning Policy Framework (NPPF) (2012)

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

## Planning History

89/03617 - Permission - Single storey side and rear extensions

99/03577- Permission - Single storey side extension for pram store

Planning permission was granted under ref. 09/02823 for a single storey rear extension for a consultation room. This permission was not implemented and has now expired.

Planning permission was refused under ref. 12/01921 for 2 single storey modular buildings with attached walkway. The refusal grounds were as follows:

*'By reason of its excessive depth and close proximity to residential properties, the development results in a severe impact on the privacy and outlook of neighbouring properties, contrary to Policy BE1 of the Unitary Development Plan.*

*By reason of its overall size and visibility from the public realm, the development is out of character with the residential character of the area and is detrimental to the amenities of surrounding residential properties and the streetscene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.*

The concrete-surfacing laid out to provide car parking as part of the works to provide the modular buildings is unacceptable by reason of its visual impact and lack of information regarding disposal of surface water, contrary to Policy BE1 of the Unitary Development Plan and Policy 5.13 of the London Plan.'

Retrospective planning permission was refused under ref. 11/02841 for two modular buildings with attached walkway to provide 2 additional consulting rooms, office and WC at rear of doctors surgery. The refusal grounds were similar to the previous proposal.

An Enforcement notice was served for the temporary building to the rear of the site in 2011. An appeal was part allowed/part dismissed, the structure being dismissed and the hardstanding allowed.

With regards to the building, the Inspector concluded that the modular building, due to its flat roof and utilitarian appearance and associated structure, would compromise the architectural integrity of the existing building to an unacceptable degree thereby harmful to the character and appearance of the main surgery building and the surrounding area. Retention thereof would thus be contrary to saved UDP Policy BE1, SPG No 1 and the relevant provisions of the NPPF. It was further considered that screening either through vegetation or painting would not be sufficient to soften its appearance and a higher boundary treatment would be likely to appear obtrusive.

Regarding the impact on No. 64, the Inspector considered that 'the modular buildings are dominant, unsightly and obtrusive when viewed from the adjacent garden and detract markedly from the outlook enjoyed by the residential occupiers. The approved extension to the surgery building would be much shorter and would have a far lesser impact.' The existing boundary screen was considered obtrusive

and it was not felt that an alternative boundary treatment could adequately screen the proposal given its height.

Planning permission was granted under ref. 13/02590 for a single storey rear extension to provide one consultancy room. The proposal was the same as a previous permission ref. 09/02823, both of which have not been implemented.

Planning permission was refused and dismissed on appeal under ref. 13/04227 for retention of part of single storey rear extension to provide two consultation rooms. In the appeal decision, the Inspector states:

'I have found that the retention of a reduced size modular building for two consulting rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

'For these reasons I conclude that even at the reduced size now proposed, the modular unit would have an unacceptable effect on the living conditions of the occupiers of No 64 having regard to outlook and privacy. It would therefore conflict with Policy BE1 of the Unitary Development Plan (UDP)<sup>1</sup> which requires development to respect the amenity of occupiers of neighbouring buildings having regard to privacy.'

Planning permission was granted under ref. 14/01127 for retention of part of single storey rear extension to provide one consultation room. This permission was not implemented and has now expired.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Update since the application was deferred at Plans Sub Committee No. 3 on the 31/08/2017.

Amended plans have been received dated 22/11/2017 and the proposed amendments involve additional screening provided by vegetation along the north east flank boundary.

The amended proposal would involve an additional layer of screening along the north east flank boundary in addition to the proposed screening provided by trellises and vegetation along the rear wall and part of the north east flank elevation. However, as stated further on in the report, it is not considered that additional screening would be sufficient to mitigate the visual impact of the extension and it would still be out of keeping with the character of the area.

The below elements of the report remain the same as the previous Committee report submitted to the 31st August 2017 Plans Sub Committee.

The site has a lengthy planning history, including several refused applications for two consultancy rooms (latest ref. 13/04227) which had a similar depth of rear projection as the current proposal (proposed depth was 9.1m compared to a total depth of 9.4m currently proposed) and was dismissed on appeal. A smaller single storey extension to provide one consultancy room was granted under refs. 09/02823 and then 13/02490, however this has not been constructed.

Subsequently, planning permission was granted (ref. 14/01127) for the retention of part of the single storey rear extension to provide one consultation room with a proposed depth of 5.5m. The site is also subject to an Enforcement Notice following the failure to comply with the approved plans.

Policy C4 of the UDP supports the improvement of health care facilities and states that they will be permitted provided that they are accessible by public transport or are located within town centres, district centres, local centres or local neighbourhood centres and parades. Paragraph 13.17 acknowledges that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often unsuitable in many existing premises, in particular converted residential properties. It is advised that town centres and local shopping parades are likely to be more suitable and sustainable locations for these facilities, where the impact on residential amenities is minimised and there is good access to public transport.

#### Impact on the character of the area

The existing surgery was converted from a large detached residential property which has previously been extended. In a previous application for the retention of part of the single storey rear extension refused under ref. 13/04227, this scheme had a similar depth to the proposal and the Inspector concluded that although 'the retention of a reduced modular building for two consulting rooms would make a contribution to improving the surgery's facilities (...), this consideration does not outweigh the harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area which would not accord with the development plan.' Therefore, the proposed extension would need to overcome the previous concerns regarding its impact on neighbouring amenities and the character of the area to be considered acceptable.

Following the Inspector's dismissal of the development that currently exists at the site, planning permission has been granted for a smaller development with a depth of rear projection of 5.5m and width of 5.1m. The current proposal involves the rotation of the existing unauthorised modular extension through 90 degrees so that it would have a maximum rearward projection of 9.4m and span for the full width of the existing property with a proposed width of 10.2m.

In 2013, planning permission was refused for the retention of part of the existing single storey rear extension with a depth of 9.1m and width of 5.1m (ref. 13/04227). The proposal would have a similar depth to the previously refused scheme and would have an increased site coverage as it would have a greater width, spanning

the full width of the host building. In light of the Inspector's comments in the appeal decision for a similar proposal, it is considered that the proposed relocation of the single storey extension would raise similar concerns which have already been found to be unacceptable. It would have a utilitarian design and given its scale and siting, it would appear at odds with the architectural design of the building, the surrounding residential development and would be prominent from public areas.

The proposal would have a width which is double the size of the previously refused scheme which involved a similar depth from the western part of the rear elevation (13/04227), the width would be increased from 5.1m to 10.2m and would be built much closer to the side boundary fronting Woodside. It would appear conspicuous as a result of its utilitarian design and bulk in close proximity with the boundary along Woodside which would increase its visibility from the public parts of Woodside and Windsor Drive. It would therefore appear even more prominent from the public parts of the road which would worsen its impact on the character of the area than the most recently refused scheme. Given the above, it is considered that the development having a maximum 9.4m rear projection and significant width which is greater than that already refused, would impact harmfully on the character of the area and the visual amenities of the street scene.

It is proposed that screening would be provided by trellises and vegetation along the rear wall and part of the north east flank elevation however the Inspector considered that additional landscaping or planting would not soften the appearance of the extension sufficiently and that the timber screen would be excessively high and obtrusive and compound rather than reduce the harm caused by the main structure. Given the Inspector's view, it is not considered that the proposed screening would be sufficient to mitigate the visual impact of the extension and it would still be out of keeping with the character of the area.

#### Impact on residential amenity

The Inspector found that the current development at the site would harm the privacy and outlook from the neighbouring residential property. The proposal would continue to have a significant rearward projection, significant height of the flat roof, despite it being stepped down from the existing raised level (it is currently raised by 0.5m to 1.1m from ground level) and that it would project excessively to the rear into the view of No. 64 at a slightly larger depth than the refused scheme (13/04227). The site coverage and rear depth of the development would therefore provide a visual impact to No. 64 that would be harmful to the visual amenities currently enjoyed by the occupants of this neighbouring dwelling.

The proposed relocation of the extension would have a similar height and depth along the common boundary than the previously refused scheme (13/04227) and would have a similar separation to the shared boundary with No. 64 with a proposed gap of 1.8m. It would have a reduced height from the refused proposal for some of its length with a reduction from a maximum height of 3.5m to 2.8m. The existing screening would be removed from along the side boundary, however this was not considered adequate to prevent a loss of amenity and also was considered to have a harmful visual impact to No. 64. However the reduction in height is not considered to overcome the concerns resulting from the considerable

length of the extension along the boundary, in addition to the existing extensions to the property. The Inspector found that the reduced length of the extension (9.1m) and screening would still result in a significant visual intrusion into the garden of No. 64. Consequently, its proposed location, reduced height and separation to the boundary would not overcome the previous issues raised as it would have a similar depth (it would in fact be increased by 0.3m) projecting much further to the rear than No. 64 and would continue to result in a significant visual intrusion and have a harmful impact on the visual amenities of this neighbouring dwelling.

It is stated in the supporting statement that the current proposal would provide a separation of just under 3m from the flank of the extension to the shared boundary with No. 64. However, as scaled from the proposed ground floor plan the separation between the modular extension and the shared boundary would be less than 2m (proposed gap being between 1.7m and 1.8m) for most of its depth (8.1m) which is similar to that already refused. There is a small section between the main property and the main flank wall of the modular extension which would have a gap of over 3m however this is a very small section of the extension (1.2m deep) compared to its overall depth of 9.4m. Furthermore, this is similar to the previously refused scheme which also had a narrower section between the main part of the modular extension and main property. Therefore, the concerns relating to the considerable depth and harmful visual impact to No. 64 as stated in the above paragraph would still be a concern.

#### Other considerations

The agent in their supporting statements have provided justification for the development which they consider would outweigh the harm as outlined in the preceding paragraphs. It is also appreciated that the surgery seeks to provide an improved level of care and service to its patients and this proposal is supported by a number of local residents particularly with regard to the needs of those with restricted mobility, the Patients Participation Group and the Bromley Clinical Commissioning Group. Furthermore and in accordance with Policies C1 and C4 the Council seeks to support community facilities in the Borough.

It is stated in the justification provided by the agent that the two consultation rooms in the extension support the surgery to provide a wider range of services including primary and community care services with some specialist services and in some cases it would prevent patients having to go to a hospital where these services would usually be provided. It is noted that the supporting analysis of 'Primary and community care, staff and public areas report' submitted with the application identifies that a total of 9 consultation and treatment rooms are required for the GP surgery based on the number of registered patients and calculations provided in the Department of Health Guidance - Health Building Note 11-01. It is also noted that the modular extension provides two consultation rooms to provide a total of 9 consultation and nurse rooms in the extension and main building.

It is further stated in the supporting information for the application that the need and crucial contribution that the extension provides would offset the harm of the extension on the character of the area, the host property and amenity of local

residents. As well as there being a lack of other NHS properties in the local area which are accessible by public transport.

A similar justification for the development, including the need for the additional consultation rooms, the benefits it would provide for local residents and health care provision in the area has been considered in a previously refused application which was dismissed at appeal.

The appeal Inspector in their decision for application ref. 12/01921 stated that 'I appreciate that many patients at the surgery support its expansion and the provision of beneficial services, some of which could mean longer journeys to alternative facilities could be avoided. In addition, I recognise the support of the health authority, who confirm that the accommodation would provide space and facilities for GP trainees. However, this support does not outweigh or negate my concerns regarding the impact of the scheme on the character of the area or its impact on the immediate neighbours.' It light of the Inspectors comments, it is not considered that the proposal this justification would outweigh the harm which would result to the adjoining neighbouring property and on the character of the area, given the similarity of the proposal with previously refused schemes and compounded harm from the additional width of the proposal.

Previous applications for smaller extension have been granted which would provide at least one additional consultation room. It is considered that the previous Inspector's comments in the appeal on the enforcement notice in 2011 remain relevant, which stated that 'it is readily apparent that additional floorspace sufficient to meet the surgery's stated requirements could, if justified, be provided by less harmful means. This being so, I do not consider that a need for these facilities is sufficient to outweigh the harm arising from them has been demonstrated.' Given the above, it is considered that the justification provided would not outweigh the harm that would result from the proposal and the substantial level of harm could not be offset by a planning condition restricting its use.

It is acknowledge that this proposal involved a larger rear extension with a depth of 11m. However, in a subsequent refused scheme which was dismissed at appeal, similar conclusions were made by the appeal Inspector for the retention of the modular building with a smaller footprint than the current proposal but with a similar depth of rear projection (9.1m). In this appeal decision, the Inspector stated 'I have found that the retention of a reduced size modular building for two consulting rooms would make a contribution to improving the surgery's facilities. However this consideration does not outweigh the material harm the works would have on the living conditions of the adjoining occupiers and the character and appearance of the area and which would not accord with the development plan. I therefore conclude having regard to all other matters raised, that the appeal should be dismissed.'

It is also stated by the agent in their statement that the public and staff areas at Chelsfield Surgery is close in floor area to the example of a primary care centre provided by the Department of Health. However, under Policy C4 Paragraph 13.17 it is acknowledge that the NHS is encouraging the formation of General Practices providing a wider range of services and that these expanded services are often

unsuitable in many existing premises, in particular converted residential properties where some extensions can have a detrimental impact on the amenities of adjoining neighbouring residents such as the proposed development.

Given that the proposed stepped level of the extension would result in the two consultation rooms in the extension not having step free access from the main surgery which would restrict their accessibility, this would lessen the weight of the justification for the extension to provide accessible consultation rooms.

It is not considered that the information submitted has resulted in a significant change from previous information which has been provided in support of the application which would now justify taking a different decision from the previously refused schemes. In particular, as it would have a much greater width than the most recently refused application and therefore its harm on the character of the area would be exacerbated by the current proposal.

Additionally, the modular building and two additional consultations rooms is an unauthorised structure without the benefit of planning permission and therefore the loss of this part of the healthcare facility would not considered to be contrary to Policies C1 and C4 and this limits the weight of this justification for the development.

#### Summary

Given the above it is considered that the siting, size and design of the proposed extension is unacceptable in that it would result in a significant loss of amenity to local residents and would impact detrimentally on the character of the area.

#### **RECOMMENDATION: APPLICATION BE REFUSED as amended by documents received on 31.08.2017**

#### The reasons for refusal are:

- 1 The proposal, by reason of its excessive rear projection, design and close proximity to the neighbouring residential property, would result in a detrimental impact on the amenities of that property, by reason of loss of outlook and visual impact, contrary to Policy BE1 of the Unitary Development Plan.**
- 2 The proposed development, by reason of its overall size, design and visibility from the public realm, would be out of character with the surrounding residential area and would be detrimental to the amenities of surrounding residential properties and the street scene in general, contrary to Policies BE1 and C4 of the Unitary Development Plan.**

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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/03727/RECON

**Ward:**  
**Chislehurst**

**Address :** Darul Uloom Foxbury Avenue  
Chislehurst BR7 6SD

**OS Grid Ref:** E: 544816 N: 170704

**Applicant :** Mr Musa

**Objections :** YES

### **Description of Development:**

Variation of condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).

Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Sites of Interest for Nat. Conservation  
Smoke Control SCA 16

### **Update**

This application was heard at the Plans Sub-Committee held on 23rd November 2017 and was deferred by Members without prejudice to seek consultation with the applicant regarding the imposition of a condition to limit the maximum age of pupils attending to 22 years. The applicant has been consulted and their comments will be reported verbally to Members.

The contents of the original report are repeated below.

### **Proposal**

The proposal is to vary condition 1 of permission reference 16/02702 /RECON to increase the number of pupils aged over 17 years of age or older from 25 to 65 (The total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR).

Condition 1 states that the number of pupils attending the school shall not exceed 225 at any one time and no more than 25 pupils shall be aged over 17 years of age or older.

Overall there will be no increase in staff or pupils numbers over and beyond the current situation. A statement has been received from the Principal of the school stating that the school are "seeking permission for those students (who are already with us from year 7 and above) to carry on their studies at Darul Uloom London all of which will be full time boarders (Hence there will be no additional car journeys)".

## **Location**

Darul Uloom is an Institute of Higher Islamic Education and a secondary boarding school. All of the students at the school are borders.

The site is located at the junction between Foxbury Avenue and Perry Street. It is within the Chislehurst Conservation Area and forms part of the Green Belt.

## **Comments from Local Residents and Groups**

Nearby Owners/occupiers were notified of the application and the objections received are summarised as follows:

- Object to the increase in pupils at the school;
- Neighbours suffer from noise from the school playing fields and request help in resolving this type of nuisance;
- We have had several instances of boys coming through our hedge and crossing our garden instead of walking round via the road. This is an illegal act. We feel that more boys over 17 would exacerbate this situation and therefore object to this petition;
- The ages should remain as currently defined with specific and responsible teaching staff providing clear teaching and overall guidance to these young scholars;
- The school is a welcome part of the Chislehurst community. I would encourage them to be even more open and to engage even further with the community to help also educate (us) the local community in the schools teachings;
- Object as they are constantly applying for many things and this school and pupils contribute no benefit to the borough;
- The application will change the nature of the establishment, moving away from school and more towards a college;
- Concern that there will be more pupils able to drive and will cause significant problems with increase in parking, congestion and traffic problems;
- Car park is not used by students, and when a student was asked why he didn't park in there the resident was informed that they were discouraged from using it.

The Chislehurst Society:

Raise objections to the proposal for the following reasons:

The application has not been supported by clear evidence of student numbers at each level from years 7-13 over a 5 year period. Tables of data ought to include numbers of direct entry not levels above the principal entry at year 7; the average

and range of ages at enrolment to key stages from Level 7 - 12. Are the students attending this school older than the normal profile of secular secondary school in the Borough? If so, why?

Secondly the reason cited by the applicant for the proposal is specifically related to the detailed study of Islam through 7 years of intense education. The basis of this is likely to be the Islamic Curriculum that is followed in parallel with Secular Curriculum though Levels 7-11. The applicant states that "after their GCSE's, students dedicate themselves to completing this course". It is unclear if this Islamic Curriculum, specifically that leading to graduation as an Aa'lim, is expected to be completed during levels 12 and 13 in parallel with (or instead of) A-Level studies. Or, does the more advanced Islamic studies extend beyond this level?

We are advised that elements of the Islamic Theology and Scholarship (with the Islamic Curriculum) are very challenging, as would be appropriate to graduate as an As'lim and progress to become a qualified Iman. Is this level of scholarship normally expected of students older than 17/18 year of age? Is the study at this level normally associated with a (Islamic) secondary school?

This application is deficient in clear evidence and reasoned argument justifying the proposed variation of condition 1 and should be refused.

Please note that the above is a summary of the objections received and full copies are available on the Council's website.

### **Comments from Consultees**

Highways:

The existing parking areas has been remodelled and marked out in accordance with the drawing shown in previous application which is satisfactory.

As I understand this application is about changing the age limit so that the children can keep studying at the school and complete their studies however the total number of pupils attending the school is not proposed to be increased beyond 225.

As there is no increase in the number of the students I have no objection to the application.

### **Policy Context**

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

#### National Planning Policy Framework (NPPF) (2012)

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraphs:

72 (education)

216 (status of emerging policies)

#### The London Plan (2016)

Policy 3.18 Education Facilities

Policy 7.8 Heritage Assets

Policy 7.16 Green Belt

#### Unitary Development Plan (2006)

T3 Parking

T18 Road Safety

G1 Green Belt  
BE11 Conservation Areas  
C1 Community Facilities  
C7 Educational and Pre-School Facilities

### Emerging Local Plan (2016)

Policy 27 Education  
Policy 28 Education Facilities  
Policy 30 Parking  
Policy 33 Access to services for all  
Policy 41 Conservation Areas  
Policy 49 The Green Belt

### **Planning History**

The site has a detailed planning history, but those applications of particular relevance to the application proposal are as follows:

Planning permission was granted in 2003 (Ref:03/02501) for the demolition of a single storey building and erection of a single storey building comprising classrooms, laboratories, library and multi-purpose hall.

A number of planning applications have been submitted relating to the enclosure of canopied walkways (Refs: 05/03770 and 06/01853) and alterations to fenestration (Ref: 06/00889).

Planning permission was granted in 2006 (Ref: 06/02255) for the use of a boiler room as teaching accommodation with elevational alterations to provide windows and doors.

A previous application (Ref: 09/03526) that is virtually identical to the current application (apart from the content of some of the supporting material) was submitted by the school in 2009, but not determined.

In 2013 planning permission was granted under ref: 13/03312/FULL1 for enclosed linking canopy and entrance canopies

Under planning ref: 14/03754/VAR planning permission was refused for the variation of condition 5 of permission reference 03/02501 to increase the number of pupils from 155 to 225. This was subsequently allowed at appeal.

Planning permission was granted in 2016 under ref: 16/02702/RECON for the variation of condition 3 of permission reference 14/03754/VAR (allowed at appeal on 10/03/2016) to allow the reconfiguration of car parking area.

### **Considerations**

The main issues relating to the application are considered to be:

- Principle of additional children over the age of 17 at the school
- Impact on neighbouring amenity
- Highways

#### Principle of additional children over the age of 17 at the school:

The proposal is to vary a condition that was imposed on planning permission Ref: 16/02702/RECON. The condition restricted the number of pupils attending the school shall not exceed 225 at any one time and no more than 25 pupils shall be aged over 17 years of age or older. This application wishes to increase the pupils aged over 17 years of age or older from 25 to 65. It is important to note that the total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR which was allowed at appeal.

In terms of the principle of the development, whilst the site is located in the Green Belt the proposal will not lead to any intensification of the use of the site as the overall staff and pupil numbers will remain unchanged and it will be within the context of an existing operational school. Furthermore, as the school is a boarding school there are not the same daily trips and activity as with a day school. No external alterations to the existing building are proposed as part of this application. Neither would there be any physical increase in the size of the parking area. The proposal does not, therefore, constitute development and as such, the proposal is not considered to represent inappropriate development in the Green Belt or have any adverse impact on the openness or visual impact of the Green Belt.

Under Policy C7 (Educational and Pre-School Facilities), applications for new or extensions to existing educational establishments will be permitted provided that they are located so as to maximise access by means of transport other than the private car. There is therefore a presumption in favour of extensions to such facilities, subject to appropriate transport considerations. As the proposal is for an increase in the number of over 17 year old pupils at a boarding school with no increase in the overall numbers of pupils or staff the trip generation of the proposal adopts a different pattern to that of a standard day school, this is also complicated by the fact that the school hosts 'Friday Prayers'. The transport implications of the day to day operation of the school is therefore key to understanding the impact of the proposal and this is considered in more detail below.

In terms of the character of the Conservation Area, as the proposal does not include any operational development, the issue for consideration in this case is whether the level of activity, traffic, parking services or noise generated by the proposal will detract from the character or appearance of the area, again this relates specifically to highways impacts and these are considered in more detail below.

#### Impact on neighbouring amenity:

Policy BE1 (v) states that the development should respect the amenity of occupiers of neighbouring building and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight,

sunlight or privacy or by overshadowing. This is supported within Policy 7.6 of the London Plan.

The nearest dwellings to the school are in Sturges Field, Queenborough Gardens and Ashfield Lane. There is a belt of woodland between them and the school site; adjacent to the school buildings themselves it is of considerable depth.

The use falls within the existing educational use of the site, a number of objections have been received raising concern over the impact on neighbouring properties in terms of increased noise and disturbance. The proposal is considered not introduce any new activity that would cause harm to the amenity of neighbouring properties over any beyond the current situation. The principle of the school has confirmed that all of the students will be full time boarders and as such there will be no additional car journeys over and beyond the current situation.

For these reasons, it is considered that the proposed development is acceptable and complies with policy on neighbouring amenity.

Highways:

The existing parking areas has been remodelled and marked out in accordance with the drawing shown in previous application which is satisfactory.

The application is for changing the number of pupils ages 17 or above to allow the children to remain studying at the school and complete their studies. The total number of pupils attending the school is not proposed to be increased beyond 225.

As there is no increase in the number of the students and given the students are border no highway objections are raised to the proposal.

#### Summary:

Having had regard to the above, Members are asked to considered that the proposal to increase the number of pupils aged over 17 years of age or older from 25 to 65 will not be detrimental to the openness and visual amenities of the Green Belt or be detrimental to the character and appearance of the Chislehurst Conservation Area, traffic or congestion bearing in mind that the total number of pupils attending the school is not proposed to be increased beyond 225 as approved under 14/03754/VAR. The proposal is therefore considered to comply with all relevant planning policies as set out above.

Background papers referred to during production of this report comprise all correspondence on the file and set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 06.11.2017**

**RECOMMENDATION: APPROVAL**

**subject to the following conditions:**

- 1** The number of pupils attending the school shall not exceed 225 at any one time and no more than 65 pupils shall be aged over 17 years of age or older.

**Reason:** To protect the amenity of adjoining residents and preserve the character of the Conservation Area, to ensure highway safety, and in order to comply with Policies G1, B11 and C7 of the adopted Unitary Development Plan.

- 2** The buildings permitted in connection with permission Ref DC/03/02501/FULL1 shall be used exclusively in conjunction with the existing residential school for the purposes shown on drawing 03/14/AR03 and for no other purposes.

**Reason:** In order to comply with Policies G1, B11, T18 and C7 of the adopted Unitary Development Plan.

- 3** Prior to the attendance of the increased number of pupils hereby permitted the existing parking areas shall be remodelled and marked out in accordance with the drawing shown at Figure 4A within the submitted transport assessment<sup>1</sup>. They shall be retained as such thereafter.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 4** Prior to the attendance of the increased number of pupils hereby permitted details of a scheme for the management of the car parking area shall be submitted to and approved in writing by the local planning authority. The car parking areas shall be operated in accordance with the approved scheme at all times.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 5** Prior to the attendance of the increased number of pupils hereby permitted details of bicycle parking and storage facilities at the site shall be submitted to and approved in writing by the local planning authority. The facilities shall be provided in accordance with the approved details and retained as such thereafter.

**Reason:** In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.

- 6** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

**Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.**

- 7 Prior to the attendance of the increased number of pupils hereby permitted a Travel Plan shall be submitted to and approved in writing by the local planning authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and details of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the approved timetable and details.**

**Reason: In order to ensure appropriate management of transport implications of the development and to accord with Policy T2 of the Unitary Development Plan.**

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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/03732/FULL1

**Ward:**  
**Chelsfield And Pratts**  
**Bottom**

**Address :** Fairtrough Farm Fairtrough Road  
Orpington BR6 7NY

**OS Grid Ref:** E: 546924 N: 161369

**Applicant :** Mr & Mrs Morrice

**Objections : YES**

### **Description of Development:**

Demolition of existing building and the erection of a two storey four bedroom detached dwelling and associated parking.

### **Proposal**

The application proposes the demolition of an existing building and the erection of a two storey four bedroom detached dwelling with associated parking.

The dwelling measures 9.8m in width and a maximum of 9.7m in depth. The dwelling is proposed with a duo-pitched roof profile with a maximum ridge height of 8.5m (9.3m to the top of the chimney). The application will also establish a residential curtilage and have three parking spaces located to the west of the dwelling. An existing granary building is proposed to be demolished.

The dwelling is to be sited in a similar location to an existing building on the site which has remained empty for some time and has a nil-use.

The application was supported by the following documents:

- Design and Access Statement (BHD Architects 10th July 2017)
- Planning Statement (and addendum) (Robinson Escott Planning, August and November 2017)
- Ecological Appraisal (Kate Baldock Ecology, 19th October 2016) -: A bat survey was undertaken as part of the ecological appraisal which found low to moderate potential for bats noted within the building and granary barn. Two bat emergence surveys were undertaken and no bats were recorded emerging from the buildings and low bat activity was recorded. Best practise mitigation has been recommended. During the bat surveys, nesting birds were noted within the site. Best practise mitigation and enhancement have been recommended.

## Location and Key Constraints

The application site is to north of Fairtrough Road, facing onto Port Hill. The site comprises a range of farm buildings including barns in agricultural use, the Kent Barn which has recently been granted permission for residential use, and storage areas. This application concerns itself with the south of the site, particularly the burnt down building and granary. A currently drained pond is sited to the far southern point of the site.

The site is located within the Green Belt and is in an Area of Archaeological Significance.

## Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

### Objections (from Residents Association)

- The residential use for this building no longer exists so the current position is that any use of the building will require planning permission.
- The new use would introduce paraphernalia associated with residential use including parking, garden fences etc.
- The development will have a greater impact on the openness of the Green Belt and would be at odds with the purposes of the Green Belt
- If permission is granted this should be subject to the completion of a s.106 agreement or unilateral undertaking requiring the new dwelling and the adjacent land to remain part and parcel of Fairtrough Farm, thus preventing any further fragmentation of the site.
- The owners purchased this property with no residential status
- The owners have already changed the use of one of their barns to residential

### Support

One email of support was received from the Agent of the application in response to the received objections which drew attention to the Lee Valley, Broxbourne BC and Britannia Nurseries court case and the Historic England 'Farmstead Assessment Framework'. The Agent concludes that while the farmhouse has been considered to have a "nil use" (following the fire); its previous use was as a dwelling, not an agricultural building which it was neither by design or function. It is not therefore reasonable to consider the burnt-out farmhouse as having an agricultural use at any time, past or recent present.

## Comments from Consultees

Historic England (Archaeology) - Preliminary comments were received from Historic England which stated that a pre-determination archaeological assessment was

required. This was received on the 27th November and further comments from Historic England state that no further objections are raised.

Natural England - No comments

Environmental Health Pollution Officer- No Objections

Environmental Health Housing Officer- The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act, which apply to all residential premises.

Drainage Engineer- There are no public foul or surface water sewers near the site. No objections are raised subject to conditions.

Highways- The garage has been replaced by open parking spaces which will be easier to manoeuvre in and out of. I understand that the existing building is not classed as dwelling although its use may have generated trips previously.

Looking at the building as a new dwelling there is likely to be an increase in trips from the site. Given its location and PTAL assessment of 0 the majority, if not all, of trips will be by vehicle. The access is on the inside of a bend and so has restricted sightlines.

It is however an existing access, the nearby lanes are likely to have low flows and the junction layout in front of the access is such that it gives a large open area. On balance no objections are made to the application.

Tree Officer - No objections subject to tree protection fencing condition.

## Policy Context

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

#### London Plan Policies

Policy 3.3 Increasing Housing Supply.  
 Policy 3.4 Optimising Housing Potential  
 Policy 3.5 Quality and design of housing developments  
 Policy 3.8 Housing choice  
 Policy 5.1 Climate change mitigation  
 Policy 5.2 Minimising carbon dioxide emissions  
 Policy 5.3 Sustainable design and construction  
 Policy 5.7 Renewable energy  
 Policy 5.9 Overheating and cooling  
 Policy 5.10 Urban greening  
 Policy 5.12 Flood risk management  
 Policy 5.13 Sustainable drainage  
 Policy 5.14 Water quality and wastewater Infrastructure  
 Policy 5.15 Water use and supplies  
 Policy 5.16 Waste net self-sufficiency  
 Policy 5.17 Waste capacity  
 Policy 5.18 Construction, excavation and demolition waste  
 Policy 5.21 Contaminated land  
 Policy 6.9 Cycling  
 Policy 6.13 Parking  
 Policy 7.2 An inclusive environment  
 Policy 7.3 Designing out crime  
 Policy 7.4 Local character  
 Policy 7.6 Architecture  
 Policy 7.16 Green Belt  
 Policy 8.2 Planning obligations  
 Policy 8.3 Community infrastructure levy

#### Unitary Development Plan

G1 (Green Belt)  
 G5 (New Dwellings within the Green Belt)  
 BE1 (Design of New Development  
 H7 (Housing density and design)

H9 (Side Space)  
NE5 (Protected Species)  
NE7 (Development and trees)  
T3 (Parking)  
T18 (Highways Safety)

#### Emerging Local Plan

Draft Policy 4 - Housing Design  
Draft Policy 8 - Side Space  
Draft Policy 30 - Parking  
Draft Policy 31 - Relieving Congestion  
Draft Policy 32 - Road Safety  
Draft Policy 37 - General Design of Development  
Draft Policy 49 - The Green Belt  
Draft Policy 113 - Waste Management in new Development  
Draft Policy 116 - Sustainable Urban Drainage Systems  
Draft Policy 119 - Noise Pollution  
Draft Policy 120 - Air Quality  
Draft Policy 122 - Light Pollution  
Draft Policy 123 - Sustainable Design and Construction

#### Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles  
Supplementary Planning Guidance 2: Residential Design Guidance

#### Planning History

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

90/01947- Outline planning permission refused for a detached replacement dwelling

91/01399- Outline planning permission refused for a replacement dwelling

98/00292- Change of use and conversion of old barn and stable to provide six craft/studio units with parking and service area

00/01161- Planning permission refused and dismissed on appeal for the demolition of existing dwelling and erection of a detached five bedroom house and detached double garage

02/01082 - An application for the formation of reservoirs/drainage ponds and earth mounding was permitted

02/01184- A Certificate of Lawfulness was refused and dismissed on appeal of the Reinstatement of fire damaged house

15/01516 - Planning permission was granted for the conversion of an existing barn and adjoining building to create 3 three bedroom dwellings including front and rear dormer extensions, elevational alterations and associated landscaping/car parking

In July 2001 an inquiry was held into 10 appeals for various development and enforcement notices at Fairtrough Farm. Appeal F (Ref: APP/G5180/A/01/1060141) related solely to the fire damaged former farmhouse. All 10 appeals were dismissed by a decision dated 28th September 2001. A subsequent High Court challenge, relating to appeal F only, was refused by Sullivan J on 16th May 2002.

In February 2003 an inquiry was held into 3 appeals, the most pertinent being Appeal A and B (ref: APP/G5180/X/02/1096924 and 1093907) which dismissed an appeal into the refusal of a lawful development certificate to reinstate the fire damaged dwellinghouse and upheld an enforcement notice to cease the continuation of remedial works of the property.

As well as the above applications, several applications have been submitted for the erection of hay barns, equestrian uses of the site and associated development. Of particular relevance to this proposal are extant enforcement notices relating to the re-instatement and remedial works to the former farmhouse.

### Considerations

The main issues to be considered in respect of this application are:

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Trees
- Other
- CIL

### Principle

The main Green Belt issues for consideration are: the appropriateness of this development in the Green Belt; its impact on the openness of the Green Belt and the purpose of including land within it; and whether, if the development is inappropriate in the Green Belt, the harm by reason of inappropriateness or any other harm, would be outweighed by other considerations so as to amount to very special circumstances.

Chapter 9 of the National Planning Policy Framework (NPPF) 2012 is a material planning consideration. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

The National Planning Practice Guidance details that the NPPF is clear that local planning authorities should, through their Local Plans, meet objectively assessed needs unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, or specific policies in the Framework indicate development should be restricted. Such policies include those relating to sites protected, as in this case as land designated as Green Belt.

Policy 7.16 of the London Plan gives the strongest protection to London's Green Belt in accordance with national guidance. Inappropriate development should be refused except in very special circumstances and development will be supported if it is appropriate and helps secure the objectives of improving the Green Belt as set out in national guidance; such improvements are likely to help human health, biodiversity and improve overall quality of life.

Policy G1 of the UDP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. In this regard the policy does accord with the NPPF and is a material consideration.

The NPPF notes at Paragraph 87 that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 89 notes that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt subject to certain exceptions. Paragraph 89 states that the replacement of a building, provided that the new building is in the same use and not materials larger than the one it replaces is appropriate development in the Green Belt". Paragraph 89 also allows for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

NPPF Paragraph 90 states that: "Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are: mineral extraction; engineering operations; local transport infrastructure which can demonstrate a requirement for a Green Belt location; the re-use of buildings provided that the buildings are of permanent and substantial construction; and development brought forward under a Community Right to Build Order".

The subject building of this application was severely damaged by a fire in 1992 and the residential use of the building ceased from this point. The building was last lawfully used in a residential capacity however was more recently found through appeal decisions to have no lawful use (a 'nil use') due to the extent of the damage. It is stated within the submission that as the site was not formerly in an agricultural use and therefore taking account of Annex 2 of the National Planning Policy Framework, it is previously developed land with remains of the house present on the site.

It is a fact however that on the site at the moment is a building with a nil-use and an agricultural building, the granary. The definition of previously developed land (PDL) excludes land that is or has been occupied by agricultural or forestry buildings, therefore the footprint of the granary cannot be considered PDL. The dwelling appears to have been in part reinstated, however there is an extant enforcement notice against these works, and therefore it is not possible to agree the lawfulness of the roof structure in its current form.

The provisions within paragraph 89 of the NPPF in respect of the re-development of PDL represents a material change in policy since the determination of the appeals in 2001 and 2003 when the proposed reinstatement of the farmhouse was found to be inappropriate. Paragraph 89 allows for "limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. As such, a judgement is required to be made as to the appropriateness of the replacement building.

The proposed dwelling is sited in the same position as the building it seeks to replace, is 1.3m lower than the existing building with a reduction of 4.3m in width and 1.4m in depth. The volume of the existing building is 734m<sup>3</sup> compared to 617m<sup>3</sup> as proposed and the floor space measures 197.7sqm as existing and 136sqm as proposed.

The Applicant states that the erection of a dwelling in replacement to the building on the site represents appropriate development under bullet point 6 of paragraph 89, given that it would have no greater impact on openness than that which it seeks to replace. Further to this, the Applicant states that the granary is capable of conversion into a car port which is appropriate under bullet point 4 which states that the replacement of a building provided the new building is in the same use and not materially larger than the one it replaces is appropriate.

It is stated that the proposed replacement building has been designed ensuring a reduction in floor area, volume and height in comparison with the existing buildings, namely the burnt down building. These calculations are made under the assumption that in 2013 a report to the Development Control Committee stated that the in the last quarter (from when the report was written) it was confirmed that breaches of planning had been investigated or concluded on the site; therefore it was assumed that the building on the site is now lawful. The report makes no particular reference to which breaches in question had been investigated or concluded in that particular quarter and does not explicitly state or make reference to the fact that all the breaches of planning on the site had been concluded. It is a fact that there remains an effective enforcement notice from 2002 which precludes any remedial works to the building. As such, Officers do not consider that the existing structure is lawful in this regard and that photographic evidence from this time suggests that the roof structure is unlawful.

The Applicant has provided a Counsel opinion as to the lawfulness of the dwelling in its current form which concludes that Officers should take into account the

existing building in its existing form as the realistic fall-back position, having regard to the existence of the enforcement notice but also taking into account the likely difficulty in justifying or succeeding in any action to seek compliance at this stage given the historic nature of the notice and the Council not requiring any remediation work to the building since this date. Officers do not agree with this and note the Counsels advise that ' In principle, absent any material change of circumstances the Notice is valid and would be actionable', the Council consider that should it be expedient to do so, the notice could be actioned at any time. As such, whilst the Applicant states that the dwelling is proportionately smaller than that which it replaces, this is not agreed given the unlawful nature of the roof structure which would render the dwelling proportionately larger than the existing building and therefore harmful to the openness of the Green Belt contrary to the requirement of bullet point 6 of the NPPF. As such, the development is considered inappropriate and very special circumstances are required to be presented.

### Very Special Circumstances

Amended plans were received from the Applicant on the 29th November 2017 which removed the granary building. The granary had a GIA of 30.7sqm and a volume of 135 cubic metres. Overall the proposal would result in a reduction in total floor space from 197.7sqm to 136sqm and a reduction in volume from 869 cubic metres to 734 cubic metres. Whilst the exact dimensions of the building in its lawful state are unknown given the amount of unlawful remedial work undertaken to the building, Officers consider that the overall reduction of built form on the site has been reduced from that which exists and as such the development is not considered to result in a building which would have a materially greater impact upon the openness of the Green Belt than that which exists at the moment in size and scale terms alone.

The assessment of the impact of the new building upon the openness of the Green Belt however is not one in which is a straight forward numerical calculation but requires a level of planning judgement. Within appeal reference APP/G5180/W/16/3145669 for Potters Yard, planning permission was refused for the erection of seven dwellings on land considered to be previously developed. The Inspector in paragraph 10 quotes the John Turner judgement 'The openness of the Green Belt has a spatial aspect as well as a visual aspect, and the absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result of the location of a new or materially larger building there'. Therefore, the scheme is required to be considered in a holistic approach considering both numerical and all other factors in the assessment on the openness.

It is known that the building has a nil-use, and therefore the application is for a new dwelling within the Green Belt with a residential curtilage. Concern has been raised by neighbours about the impact upon the openness of the site as a result of the residential use of the area and the proliferation of residential paraphernalia. The proposed dwelling will be sited within close proximity to the recently converted building now in residential use and is sited adjacent to an existing vehicular access way to the site which provides access to the wider site. As such Officers do not consider that the movements and use of the site in a residential capability would

detrimentally impact upon the openness of the Green Belt to the existing situation on site. Furthermore the residential use of the site will be located within one part of the wider farmstead, therefore limiting the proliferation of residential use to the wider agricultural area. Should permission be forthcoming permitted development rights to the property would be removed which again would remove any future potential for outbuildings within the wider site area.

Comments from the Resident's Association note that the dwelling should be tied to the farmstead via legal agreement. When the building was previously used as a residential dwelling, this was not subject to any agricultural occupancy condition. The application is not proposing an agricultural dwelling and therefore Officers do not consider it reasonable therefore to require such stipulations should the application be recommended for approval.

On balance therefore, the it is considered that the proposed dwelling will cause no further impact upon the openness of the Green Belt than the building in which it replaces, , taking into account the proposed demolition of the granary as part of the proposal and very special circumstances.

### Design

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The dwelling is proposed in a traditional form with a two storey front projecting gable, in-set dormer window and steeply duo-pitched roof. Prior to the fire the property utilised a plain clay tile with the side extension having a slate roof and the single storey rear extension utilising clay pan tiles. From photographs the property appears to have been constructed from a traditional dark red brick. The overall proposed form and appearance of the dwelling appears acceptable and in-keeping

with the rural aspect of the wider site. The dwelling is of similar proportions to the building it seeks to replace. Should permission be forthcoming conditions would be added to secure details of the finishing materials and boundary treatments.

### Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development.

Table 3.3 states that for a four bedroom, two storey dwelling a minimum GIA of 124sqm. The proposed dwelling has a floor space in excess of the minimum thresholds and as such is considered acceptable.

All windows have a good sense of outlook and are of a reasonable size to allow adequate provision of natural light. The London Plan requires 5sqm of outside amenity area for dwellings of 1-2 bedrooms, and 1sqm additional for every bedroom thereafter. The dwelling will be sited within a residential curtilage of a good size, in excess of the minimum requirements, and as such is found to be acceptable.

### Highways

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP should be used as a basis for assessment.

Amended plans were received which removed the garage and replaced this with open parking spaces which will be easier to manoeuvre in and out of. Whilst the existing building is not classed as dwelling its use may have generated trips previously.

Looking at the building as a new dwelling there is likely to be an increase in trips from the site. Given its location and PTAL assessment of 0 the majority, if not all,

of trips will be by vehicle. The access is on the inside of a bend and so has restricted sightlines.

It is however an existing access, the nearby lanes are likely to have low flows and the junction layout in front of the access is such that it gives a large open area. No objections are raised by the Highways Officer.

### Neighbouring amenity

Policy BE1 of the UDP 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.

In respect of neighbouring amenity, the proposed dwelling is set slightly away from the residential dwellings within the site and will have a limited impact in terms of outlook or loss of light, specifically given that a structure of a height taller than that which this application proposes exists on the site as existing.

The vehicular traffic associated with the dwelling is not materially greater than that which exists for the farmstead given that it is only one single family dwelling, however it is noted that some vehicle traffic will take place to the front of the application site within relatively close proximity to the habitable room windows of the converted building. The roadway exists for use predominantly by the farmstead which to the west of the application site and whilst there will be a slight increase in vehicular movements the overall impact in terms of noise and movement is considered to be negligible.

In terms of overlooking and loss of privacy the roadway is used for access to the farm and there is a level of overlooking that exists within this location into the habitable room windows of the converted building. The proposed dwelling is located 6.5m at the closest point to the neighbouring residential building with the car parking area 2.5-3.8m from the closest habitable room window. Whilst there will be some impact in terms of overlooking, this is not considered materially different from that which occurs from the roadway and on balance is considered acceptable.

### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance

with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

### Ecology

Policy NE5 of the Unitary Development Plan states that planning permission will not be granted for development or change of use of land that will have an adverse effect on protected species, unless mitigating measures can be secured to facilitate survival, reduce disturbance or provide alternative habitats.

An ecological appraisal has been submitted to accompany the application. A bat survey was undertaken as part of the ecological appraisal which found low to moderate potential for bats noted within the building and granary barn. Two bat emergence surveys were undertaken and no bats were recorded emerging from the buildings and low bat activity was recorded. Best practise mitigation has been recommended and conditions can be added should the application be permitted as well the inclusion of other ecological measures such as bat bricks. During the bat surveys, nesting birds were noted within the site. Best practise mitigation and enhancement have been recommended and should permission be recommended a condition ensuring all clearance of the site will happen outside of the bird nesting season.

With regard to trees the Tree Officer raises no objections to the proposal, subject to a condition requiring details of tree protection measures to be submitted.

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

### Conclusion

It is considered that very special circumstances exist to grant permission for the demolition of the existing building and granary and the erection of a two storey dwelling. The proposal is not considered to result in a form of development that is harmful to the openness of the Green Belt or the purposes of retaining land within the Green Belt. The design and standard of accommodation is found to be in keeping with the rural character of the wider area and the development is not considered to result in any harmful impacts upon residential amenity. Subject to conditions the development will not impact detrimentally upon protected species within and around the site.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 3** The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 4** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.**

- 5** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.**

- 6** Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority

and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

**Reason:** In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 7** Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 8** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

**In order to prevent an overdevelopment of the site and to allow the Local Planning Authority to assess future development in respect of retaining the openness of the Green Belt.**

- 9** Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 10** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

- 11** Details of a foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently maintained thereafter.

**Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan**

**12 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

**i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;**

**ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and**

**iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.**

**The scheme shall be implemented, maintained and managed in accordance with the approved details**

**Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan**

**13 Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work**

**Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.**

**14 A scheme of ecological measures by way of bat bricks, bird boxes, rainwater harvesting etc. shall be submitted and approved in writing by the Local Planning Authority prior to the occupation of the dwelling hereby approved.**

**Reason: To ensure compliance with Policy NE5 of the Unitary Development Plan.**

**15 No site clearance work shall take place within the bird breeding season (March to August).**

To ensure compliance with Policy NE5 of the Unitary Development Plan.

- 16 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)
- 2 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development
- 3 You are advised to contact English Nature before commencing any works on the site as a licence may be required as bats are a European protected species. Should bats be found on site during demolition or construction works, works on site should cease immediately and you should contact Natural England:

Email: [london@naturalengland.org.uk](mailto:london@naturalengland.org.uk)

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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/03881/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** 10 Plaistow Lane Bromley BR1 3PA

**OS Grid Ref:** E: 540493 N: 170323

**Applicant :** Mr Aman Virk

**Objections :** YES

### **Description of Development:**

Change of use from bar and restaurant (Use Class A3) to a Hot Food Takeaway (Use Class A5) together with minor external alterations comprising a replacement condenser unit, replacement extract flue and redecoration of the shopfront.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 5

### **Proposal**

Planning permission is sought for a change of use of the ground floor of No. 10 Plaistow Lane, Bromley from a restaurant (Use Class A3) to a pizza takeaway and delivery operation (Use Class A5). The application also proposes a new shopfront and replacement condenser unit and extraction flue.

The application is accompanied by a Planning Statement and ventilation report.

### **Location**

The site is located on the southern side of Plaistow Lane, Bromley. No.10 forms part of a three storey commercial terrace with ground floor commercial shop units and upper floor residential. The unit forms part of one of the Council's designated local parades.

The rear of the unit is accessed from Plaistow Grove to the east of the site.

### **Consultations**

Nearby owners/occupiers were notified of the application and comments were received which can be summarised as follows:

- Noise generated from mopeds leaving with deliveries
- Dairy Close (opposite) will be used as a makeshift car park by customers collecting deliveries

- Sundridge Park has been given Village status, which locals have worked hard to achieve
- The extraction flue goes up besides a bedroom window causing noise and smells into the property
- This type of business is totally out of character with other businesses
- Litter will be a problem
- Parking is already a problem
- There will be no space for delivery vehicles to wait/drop off without causing blockages which will also affect the approach to the roundabout.

#### Consultee comments

##### Highways -

The applicant was asked to undertake and submit a parking survey in accordance with Lambeth Council's Parking Survey Guidance Note' (Lambeth Council, 2012), so that I am able to make an informed decision on whether or not there would be an adverse impact resulting from this proposed development. I have now seen the parking stress survey and a statement about traffic and delivery vehicles linked to the takeaway. The parking stress survey shows that some of the roads like Garden Road, Lawn Close, Avondale Road and Nichol Lane are over the stress limit while other roads have some spaces available to accommodate customers.

The Transport Consultants has also submitted further data based on information taken from Papa John's (GB) Ltd stores and Points of Sale, typical London stores have an average of 537 transactions per week, of which 324 are delivered and 213 are picked up by customers (40%). An average of 30 customers visit the store per day, of which 76.8% visit after 6pm. This equates to 23 customers entering the unit after 6pm, or 5.8 customers per hour between 6pm and 11pm.

There is capacity in the neighbouring roads to accommodate 5 to 6 cars. In addition to above the customer can also use Cooden Close Pay and Display car park. Also the waiting restriction on Plaistow Lane allows parking after 6:30pm and it has 2 free parking bays with 30 minutes parking Mon - Sat 8:30am - 6:30pm. In short the applicant has provided this office with the parking stress survey undertaken on the evening of Friday 20th October 2017, indicating that there are on-street parking spaces available for 5 to 6 cars during the hours of maximum residential parking demand and business. Therefore on balance the application can be considered for approval.

Environmental Health (Pollution) - no objection.

Drainage - No comment

Thames Water - No comments received

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan & The London Plan

- BE1 Design of New Development
- BE19 Shopfronts
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- ER9 Ventilation
- S5 Local neighbourhood centres, parades and individual shops
- T3 Parking
- T18 Road Safety

### Supplementary Planning Guidance 1 - General Design Principles

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances."

- Draft Policy 30 Parking
- Draft Policy 32 Road Safety
- Draft Policy 37 General Design of Development
- Draft Policy 96 Neighbourhood Local Centres, Local parades and Individual Shops
- Draft Policy 98 Restaurants, Pubs & Hot Food Takeaways

### London Plan

- 7.4 Local Character
- 7.5 Public Realm
- 7.15 Noise
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services

The NPPF is also a material consideration in the determination of the application.

## **Planning History**

Under planning application ref:- 99/02571/ADV advertisement consent was granted for externally illuminated fascia signs.

Under planning application ref:- 91/02094/FUL planning permission was granted for a front awning.

Under planning application ref:- 90/02842 planning permission was granted for a change of use from A1 to the sale of food and drink A3.

## Conclusions

### Design

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas, and seeks to protect the amenities of neighbouring properties.

The details supplied indicate that the shopfront will be similar to the existing arrangement with a recessed door located to the left hand side and two glassed windows with a stallriser.

### Effect of the range of services in the local parade

Policy S5 of the Unitary Development Plan, Local Neighbourhood Centres, Parades and Individual Shops advises that in local neighbourhood centres and shopping parades change of use from Class A1 (Shops) to other uses will be permitted provided that:

- (i) the use proposed contributes to the range of local services or the provision of local community facilities: and contributes to the vitality of the centre by providing a service or attracting visitors during shopping hours; or
- (ii) it can be demonstrated that there has been a long term vacancy and a lack of demand for Class A1 (Shops) use, as well as a lack of demand for service or community use before other uses are proposed.

Policy S9 states that the Council will only permit proposals for additional restaurants and cafes (Class A3) and hot food takeaways (Class A5) where the proposal would have no adverse impact on residential amenity; the proposal would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians; the proposal would not result in an over concentration of food and drink establishments, out of character with the retailing function of the area.

The application premises are situated on Plaistow Lane and forms one of nine commercial units within this part of the parade. The premises are situated on the ground floor of a three storey building which incorporates shops at ground floor level and residential accommodation above. The premises are currently operating as a restaurant 'The Raj Moni'. The proposal seeks to change the use of the premises to a hot food takeaway 'Pappa Johns' for delivery and collection. As well as internal changes to the premises a new shopfront is proposed as well as a replacement condenser unit and extraction flue.

The current use operates primarily in the evening between the hours of 16:30-10:30am Monday - Friday and from 16:30-23:00 on Saturdays and Sundays. The new use is proposed to be open between the hours of 10:00 - 23:00 Monday - Fridays and Sundays and Bank Holidays and from 10:00 - 00:00 on Saturdays. The new use would be open longer hours during the day and for an extra hour on Saturdays.

The nearby Chinese takeaway is open between the hours of 17:00 - 23:30. The new use is proposed to open an extra hour in the evenings than the current use. The Council considers that it would be more appropriate that the new use is only open until 23:30 on Saturdays to match that of the nearby chinese takeaway.

The parade contains seven A1 units, one A3 unit and one A5 unit. If No.10 was lost to an A5 unit then A1 units would still be the dominant use, as the site is not currently in retail use. As such the addition of a further A5 use is not considered to harm the retail character and vitality of the shopping frontage.

### Neighbouring amenity

Several letters of objection have been received from neighbours living close by. The main issues raised relate to noise, disturbance, litter and increased parking.

In terms of residential amenity the ventilation extraction equipment has the potential to cause harm to upper floor residential use in the vicinity, however the replacement condenser unit and extraction flue have been assessed by the Council's Environmental Health Officer and no objection is raised.

Additional noise would be generated by delivery vehicles. The agent has supplied a noise management plan which set out strategies employed by the company to ensure drivers take account of their actions. Members may consider it appropriate to assign a condition which states that delivery vehicles should only leave and return from the rear of the site which is accessed from Plaistow Grove to minimise noise disturbance to residents.

The closing times are considered to be acceptable and can be controlled accordingly in line with standard restaurant opening and closing times.

It is considered that the proposal would not result in unacceptable harm to the living conditions of local residents and the scheme would comply with policies BE1 S5 & S9.

### Parking

There are two parking spaces immediately outside of the unit on Plaistow Lane which are subject to a 30 minute maximum stay for customers using their cars to pick up their takeaways. A bus stop is also located outside No. 12 Plaistow Lane.

The site is located in an area with PTAL rate of 2 (on a scale of 1 - 6, where 6 is the most accessible). The property is well served by public transport and within a CPZ. The Council's Highways Officer has not raised any objections to the change of use following the submission of a parking stress survey. It is therefore considered that there will be minimal impact on parking in the vicinity.

Delivery vehicles have the potential to park for a limited period outside of the shop unit. Members may consider it necessary to restrict any delivery parking of takeaways to the rear of the site to minimise noise and disturbance to nearby residents.

### Refuse and recycling

The Planning Statement states at paragraph 3.4.4 that the rear service yard will be used for bin storage. One bin will be provided for general waste and one for cardboard recycling. All bins would be emptied on a weekly basis.

### Summary

Having had regard to the above it was 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 retail character of the area.

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 4 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of**

enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 5 Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 6 The use shall not operate before 10:00 on any day, or after 23:00 Monday-Friday, or on Sundays and Bank Holidays and not before 10:00-23:30 on Saturdays.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

- 7 Delivery vehicles shall park in the yard at the rear of the site, accessed from Plaistow Grove and at no time shall park on Plaistow Lane.

Reason: In order to comply with Policy S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties.

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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/04147/FULL6

**Ward:**  
**Mottingham And Chislehurst**  
**North**

**Address :** 78 Cranmore Road Chislehurst BR7 6ET

**OS Grid Ref:** E: 542857 N: 171278

**Applicant :** Ms Nayomi Hapuarachchi And Mr  
Ramitha Kuruppu

**Objections : YES**

### **Description of Development:**

Single storey rear and front extensions to include garage conversion and first floor side and rear extension. Hip to gable attic conversion with rear dormer. Extension of existing dropped kerb.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 51

### **Proposal**

Planning permission is sought for a single storey front and rear extensions to include a garage conversion and first floor side and rear extensions, hipped roof alterations to provide a loft conversion with rear dormer. Extension of the existing dropped kerb.

The application site is an end of terrace property located on the western side of Cranmore Road, Chislehurst.

Amended drawings have been received on the 1st and 21st November 2017. The changes include a revised parking plan showing that two car parking spaces can be accommodated on the driveway and a revision to the roof design; from half-hip to a full hip roof design and a change to the first floor side extension which is now set in 1m from the boundary.

### **Consultations**

Nearby owners/occupiers were notified of the application and several letters of representations were received, which can be summarised as follows:-

- The extensions will cause an obstruction of the light to the kitchen area of 75 Broadheath Drive, which is a town house with kitchen on the first floor.

- The flank wall of the existing garages appears to abut the edge of an accessway between two terraces of dwellings.
- The redevelopment of the existing garage to for a two storey side extension will result in a two storey side extension abutting the boundary of the plot. As this would not leave a side space between the new side elevation and the side boundary the proposal would not comply with the requirements of the Council's side space policy, H9.
- The proposed double storey side extension would be built up to the boundary, approximately 90cm from the boundary of my property with just the existing alleyway separating the properties.

Highways - the applicant was asked to create parking space for 2 cars and submit revised drawing for Highway planning approval. They have now seen the revised drawing and is satisfied.

Please include the following in any permission.

CONDITIONS:

H03 - Satisfactory parking

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

BE1 Design of New Development  
 H8 Residential Extensions  
 H9 Side Space  
 T3 Parking  
 T18 Road Safety

Supplementary Planning Guidance 1 General Design Guidance  
 Supplementary Planning Guidance 2 Residential Design Principles

Draft Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances."

Draft Policy 6 Residential Extensions  
 Draft Policy 8 Side Space  
 Draft Policy 30 Parking

Draft Policy 32      Road Safety  
Draft Policy 37      General Design of Development

London Plan (2016)  
London Plan Policy 7.4 Local Character

The National Planning Policy Framework (NPPF) is also a material consideration.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Policies H8, BE1 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.

Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area. Consistent with this the National Planning Policy Framework (NPPF) states that new development should reflect the identity of local surroundings and add to the overall quality of the area.

Policy BE1 also seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing.

Policy H9 of the UDP relates specifically to side space and normally seeks a minimum of 1m side space for development, including residential extensions, of two storeys or more, to prevent a cramped appearance within the streetscene and to safeguard the amenities of the neighbouring properties.

## Design

The internal footprint of the house is shown to be reconfigured. The bulk of the proposed development is to the left hand side of the property with the existing garage converted to habitable accommodation with a slight forward front extension. The front elevation shows a pitched overhang which incorporates a porch, new front windows and door. At first floor level a new bedroom is shown towards the rear of the property with an enlarged study, new bathroom and ensuite.

The application property forms an end of terrace property which has a hipped roof. Following the submission of amended plans the first floor side extension is now shown to have a full hipped roof and the ridge line of the extension would form a

continuation of the existing ridge line of the property. Supplementary Planning Guidance indicates the importance of retaining the architectural integrity of the host dwelling, with extensions being required to respect the buildings composition, especially the roof and rhythm of form, the hipped style roof arrangement would be maintained.

The proposed first floor side extension is now shown set in 1m from the boundary with the existing converted garage remaining in its existing location which abuts the boundary. Whilst the existing ground floor of the proposal does not fully comply with the requirements of Policy H9, the impact will be mitigated in part by the alleyway (1.2m approximately) that adjoins the site and provides additional side space to the property. The alleyway is locked shut with only 78 & 80 having a key to access it.

Four sets of windows are shown to be inserted into the flank elevation facing No.80 Cranmore Road (all of which are illustrated as being obscure glazed). The existence of this permanent separation is such that the proposal will not result in any unrelated terracing or have any detrimental impact on the spatial standard evident in the area. Given these mitigating set of circumstances, the proposal is not considered to result in a detrimental impact on the streetscene or in a cramped appearance, nor result in any loss of visual amenity in line with the guidance set out in Policy H9.

The part single storey/part two storey rear extensions would also add bulk and mass to rear of the property. The submitted drawings show that the single storey element would measure 3.5m in depth x 3.5m in height with a flat roof before extending to two storeys and measuring 3.5m in depth x 4.2m in width x 7.3m in height with a pitched roof. The first floor side element would be set in from the boundary by 1m. The proposed dimensions are considered acceptable.

The proposed rear dormer measures 1.9m in height x 3.2m in width and will sit within the roofslope of the original roofspace. The dormer will sit up from the eaves and down from the main ridge height. The new part of the roof and rear dormer will be clad in plain tile hanging to match the existing roof. The two velux rooflights are also considered to be acceptable to the front roof slope.

The conversion of the existing garage to storage is considered acceptable. The submitted drawings show that the garage door would be removed and the front forward extension would sit flush with the building line of the existing living room. The garage door would be replaced with a window which would be in keeping with the host dwelling and wider streetscene. The property benefits from an existing driveway. The applicants are also seeking to increase the width of their existing dropped kerb by 1.6m which the Highways Officer has raised no objection to.

### Neighbouring amenity

Policy BE1 seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The main impact of the proposal would be to No. 80 & 76 Cranmore Road. No.75 Broadheath Drive have also raised objection to a loss of light to their kitchen at first floor level, however, they are located approximately 35m away consequently the Council considers that they will not be unduly affected.

The proposed single storey element of the proposal would abut the rear boundary with No.76. The depth and height of the single storey extension is considered to be acceptable and the first floor rear extension is considered to be located far enough away to not cause a significant detriment to warrant refusal of the application. No.76 themselves have an existing single storey rear extension which measures approximately 3m in depth.

The side extension will abut the alleyway which separates No.78 from No.80. No.80 have raised concerns regards the side extension being built up to the alleyway and a potential loss of prospect and outlook from their kitchen window. The first floor element is considered acceptable on the basis that it would have adequate separation from the boundary with No.80 to not cause a significant loss of light or outlook. No.80 themselves have a two storey rear extension. Obscure glazed windows are shown in the flank elevation to not cause overlooking or a loss of privacy.

The introduction of built form to the roof is not considered to result in any visual harm or loss of amenities or daylight to the residents located either side. The windows proposed in the rear dormer extension are considered not to result in any more overlooking than those from the existing first floor windows.

On balance Members may consider that the side & rear extensions are a modest addition to the property and not overly bulky to detract from either the host dwelling of the wider character and appearance of the area. The first floor side extension is set in from the boundary whilst the ground floor (which does abut the boundary) lies next to an existing alleyway where a gap of approximately 1.2m exists to the neighbours on the other side, Obscure glazed windows will not cause a loss of privacy or overlooking to No.80.

Background papers referred to during production of this report comprise all correspondence on the file refs 17/04147/FULL6 as set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: PERMISSION**  
**as amended by documents received on 01.11.2017 21.11.2017**

**Subject to the following conditions:**

- 1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**REASON:** Section 91, Town and Country Planning Act 1990.

- 2** Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4** Before the development hereby permitted is first occupied the proposed window(s) in the first floor flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 5** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

**Application No :** 17/04892/FULL1

**Ward:**  
**Bromley Common And**  
**Keston**

**Address :** 128 Jackson Road Bromley BR2 8NX

**OS Grid Ref:** E: 542762 N: 166177

**Applicant :** Northstar 2000 Ltd

**Objections :** YES

## **Description of Development:**

Demolition of 128-130 Jackson Road and outbuildings and redevelopment with a 2 storey terrace of four 3 bedroom dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments.

Key designations:

Biggin Hill Safeguarding Birds  
Locally Listed Building  
Smoke Control SCA 22

## **Proposal**

Planning permission is sought for the demolition of 128-130 Jackson Road and outbuildings and redevelopment with a 2 storey terrace of four 3 bedroom dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments.

The proposed dwellings would be accessed via the existing driveway and would be set back from the street frontage situated on the approximate footprint of the existing buildings. The dwellings would form a two storey terrace of 3 bedroom houses to the east of the plot.

The northern boundary of the terraced building is located 3.31m increasing to 3.93m from the site boundary. To the southern boundary it is located 1.5m from the boundary increasing to 2.5m at the closest rear flank wall section. A greater separation is indicated to the south front flank wall section of 5.5m. The terrace is arranged as two symmetrical pairs, with integrated bay windows and porches.

Internal layout plans indicate 4 three bedroom dwellings. The rear garden curtilage will vary between approximately 6m to 8m depth between terraced properties divided into private areas. Parking arrangements are provided in front of the properties and within the driveway to the northern boundary of the site with a total provision of 8 vehicles accessed from Jackson Road. A collective external refuse store is located within the front curtilage driveway and cycles spaces are provided for each property.

Materials are indicated as a traditional palette of materials, including brick, slate and traditional detailing of sash style windows and doors.

The application was supported by the following documents:

- Design and Access Statement
- Planning and Heritage Statement
- Sustainability Design and Construction statement
- Drainage Strategy and Maintenance Requirements
- Part M4(2) Statement

### **Location and Key Constraints**

The site is located on the east side of Jackson Road and comprises a pair of Locally Listed cottages located behind and to the east of No126 Jackson Road and accessed via a private driveway between No126 and No134. The properties surrounding the site are of later periods of construction with the buildings concerned dating back to at least the early nineteenth century. The site is not located in a conservation area.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

#### Objections

- Create more traffic, pollution, noise.
- Houses squeezed into a small piece of land.
- Comments relating to the developer trying to buy up surrounding garden land.
- Density is too high with overdevelopment of the site.
- Concerns regarding highway access and pedestrian/vehicle safety.
- The existing dwelling is "locally listed" although this carries no weight in terms of statutory legislation the property has some architectural value.
- Detrimental impact to surrounding property by reason of height, bulk and orientation.
- Concerns regarding increased parking problems and congestion.
- Concerns regarding increased and direct overlooking, loss of privacy to properties in Aragon Close Hathaway Close and the property in front of the site to the west.
- Style of houses is not in keeping with the area.
- Concerns regarding the increased use of the access and implications to highway safety generally and access for emergency vehicles.
- Jackson Road is already overdeveloped and overpopulated.
- Increased noise and pollution
- Site is inappropriate for a large redevelopment in such a cramped site area.

- Comments relating to surrounding buildings not being indicated on the plans correctly.

Officer response:

Revised plans have been received in respect of the siting of buildings/extensions outside the site area and assessed accordingly. An Officer site visit has also observed all extensions and additions to surrounding properties and their relationship to the proposed scheme.

### **Comments from Consultees**

Environmental Health Pollution Officer:

No objections to permission being granted.

Drainage Engineer:

No objection.

Highways:

The site is located to the rear of No. 126 Jackson Road and is in an area with PTAL rate of 1b on a scale of 0 – 6b, where 6b is the most accessible. Vehicular access is from Jackson Road utilising the existing arrangement leading to the car parking area. Eight car parking spaces are indicated on the submitted plan which is acceptable. Eight cycle spaces are indicated on the submitted plan which is satisfactory. The bin store location is acceptable in principle.

Secure by Design Officer:

The scheme should achieve the physical security requirements of Secure by Design by incorporating the use of tested and accredited products.

Tree Officer:

The proposed plans show the demolition of the buildings on site and the construction of 4 dwellings. The Tree Protection Plan (TPP) by Sylvan Arb illustrates the removal of 5 category 'C' trees. These trees are of fair quality and are of early mature or younger. The removal of these trees to allow for the demolition and construction is considered appropriate. Further to this the TPP shows tree protection fencing to the east of the site to ensure the retention of these trees.

We consider the TPP to provide adequate protection to retained trees. Therefore we only require the application of the protection illustrated in the TPP.

## Policy Context

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

### London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs

- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.16 Green Belt
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

#### Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE10 Locally Listed Buildings
- ER7 Contaminated Land
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T5 Access for People with Restricted Mobility
- T6 Pedestrians
- T7 Cyclists
- T16 Traffic Management and Sensitive Environments
- T18 Road Safety

#### Emerging Local Plan

- 1 Housing supply
- 4 Housing design
- 8 Side Space
- 30 Parking

32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
39	Locally Listed Buildings
73	Development and Trees
77	Landscape Quality and Character
112	Planning for Sustainable Waste management
113	Waste Management in New Development
115	Reducing flood risk
116	Sustainable Urban Drainage Systems (SUDS)
117	Water and Wastewater Infrastructure Capacity
118	Contaminated Land
119	Noise Pollution
120	Air Quality
122	Light Pollution
123	Sustainable Design and Construction
124	Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

### Supplementary Planning Guidance

Supplementary Planning Guidance 1: General Design Principles

Supplementary Planning Guidance 2: Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

### **Planning History**

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

No.128

96/00591/FUL: Single storey front and side extension. Approved 01.05.1996

No.130

86/01399/FUL: Detached garage. Approved 25.06.1986

No 128 and 130:

17/02459/FULL1: Demolition of 128-130 Jackson Road and outbuildings and redevelopment with a 2 storey terrace of four 3 bedroom dwellinghouses and one 2 storey, 2 bedroom detached dwellinghouse, with associated landscaping, parking, cycle and refuse stores and boundary treatments.

The development was refused by reason of its siting, design, mass and scale and its relationship to adjacent dwellings in this location representing an inappropriate and visually obtrusive development harmfully at odds with the open spatial characteristics of the site and locality which is an important characteristic to the urban grain and pattern of development in the locality and also contributes to the character and appearance of the area.

Furthermore, the siting and proximity of the dwellings to neighbouring buildings and property boundaries were considered to have a serious and adverse effect on the perceived privacy and amenity enjoyed by the occupants of neighbouring property.

## **Considerations**

The main issues to be considered in respect of this application are:

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- The quality of living conditions for future occupiers
- Access, highways and traffic Issues
- Impact on adjoining properties
- Sustainability and energy
- Trees

## Resubmission

This application is a resubmission of a previously refused planning application. The main changes relate to the removal of the detached dwelling from the previous scheme and repositioning of the proposed terrace of four houses at a greater distance from the north and south boundaries of the site.

## Principle

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would

significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

The NPPF at paragraph 135 details that 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 affect directly or indirectly 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.

Emerging Local Plan Policy 39 Locally Listed Buildings specifically refers to paragraph 135 emphasising this approach.

Policy BE10 of the UDP details that permission will only be granted for the replacement of locally listed buildings where it has been demonstrated that all reasonable options for the retention of the building have been considered and the proposed new building is of an exceptionally high standard of design.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The site is located in a primarily residential area and is currently developed for a single unit of occupancy for residential use across two original dwellings. Therefore, in this location the Council will consider a higher density residential development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

The existing buildings are Locally Listed as detailed above and therefore the historic significance of the local listing needs also to be considered in principle.

The listing entry details the historic information of the buildings as a "Pair of cottages with slated and clay tiled roofs and rendered walls". The submitted Heritage Statement notes that they first appear on the 1841 OS map with an early 19th century construction date. This is considered to be a realistic conclusion based on some of the photographs provided from the 1950's in the applicant submission.

In determining the acceptability of demolition, the significance of a locally listed building needs to be assessed and its contribution identified. The submitted Heritage Statement, uses Historic England's criteria for local listing. The Council's Conservation officer has reviewed the application and concurs with this approach.

On balance it is considered that the original setting of the building has been entirely eroded due to later periods of construction that now surround the site. The building itself has also been substantially altered, primarily through changes to its fenestration, roof and external facades. It is opined that if the building were to be now considered for local listing it would not meet the criteria for listing and the Council's own guidance in the Local List SPG states that historic significance is not normally enough on its own to warrant listing.

It is noted that the proposal submission has not demonstrated that all reasonable options for the retention of the existing buildings have been considered. However, this requires a balanced judgement in accordance with paragraph 135 of the NPPF.

In this case given the minimal weight that can be afforded to the historical significance of the existing building and the replacement development being of a generally good standard in terms of design approach using traditional design references and materials (discussed further below), on balance the scale of harm of the loss of the heritage asset is considered acceptable in terms of paragraph 135 of the NPPF.

Therefore, the provision of a replacement development of residential houses on the land appears acceptable in principle subject to the further assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements which are assessed below in greater detail.

### Density

Policy 3.4 in the London Plan seeks to ensure that development proposals achieve the optimum housing density compatible with local context, the design principles in Chapter 7 of the plan and with public transport capacity. Table 3.2 (Sustainable residential quality) identifies appropriate residential density ranges related to a site's setting (assessed in terms of its location, existing building form and massing) and public transport accessibility (PTAL).

The site has a PTAL rating of 1b and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-65 dwellings per hectare. The proposed development would have a density of 42 dwellings per hectare.

Therefore, the proposed development of the site would be within these ranges and maybe considered a suitable level of development for the site. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing

potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

## Design

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 3.4 and 3.5 of the London Plan reflect the same principles. Policy 3.4 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H9 of the UDP requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within

residential areas. Proposals will be expected to provide a more generous side space.

The submitted Design and Access Statement goes some way to explain the design process and rationale that has led to the current revised proposed design.

The predominant character in the vicinity of the site in this part Jackson Road is of similarly sized and scaled forms of terraced, detached and semi-detached dwelling houses with regular spatial separation between boundaries. This has resulted in a cohesive character to the Jackson Road area that it is considered desirable to conserve within the locality.

In this case, the proposed terrace forms four three bedroom houses two storey in height and keeps a traditional design approach in terms of style, materials, mass and scale with pitch roofs as well as maintaining regular front and rear building alignments and ridge heights and landscaped rear garden areas.

The subdivision of the plot on the character, appearance and spatial standards of the area needs to be considered and any adverse effect on the locality of the bulk and mass of the replacement buildings, appearing as overdevelopment needs to be considered notwithstanding the density of development being within an acceptable range as detailed above.

The justification paragraph in respect of Policy H9 also details that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. This is to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

In this case the revised siting of the terrace building at greater distances from the flank boundary and removal of the previously proposed detached house has greatly improved the spatial standards and relationship of the building within the context of the pattern of development within the immediate locality.

The terrace building will also have relatively low eaves and ridge heights. The roof structure has been designed to limit the scale of the building to the elevations by positioning the eaves marginally lower than the internal ceiling height to reduce the height of the building overall. The siting of the building approximately centrally within the section of the site maximises separation distances to surrounding property rear elevations and view distances of the site. It is acknowledged that surrounding property views of the site will alter in terms of outlook. However, the siting of the building at the distances away from surrounding buildings will not be overbearing. The mass, scale and design style of the terrace building will also be comparable to surrounding similar property in Jackson Road with regard to the height, building proportions, roofscape and window proportions considered to echo the adjacent context. Therefore, the impact of the building within this revised scheme in terms of its mass and scale is considered minimal representing an unobtrusive infill development.

## Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

The floor space size of each of the houses is 89.86m<sup>2</sup> each respectively. The nationally described space standards require a GIA of 84m<sup>2</sup> for a three bedroom four person unit in relation to the number of persons, floors and bedrooms mix. On this basis, the floorspace size provision for all of the houses is compliant with the required standards and is considered acceptable.

The shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.

In terms of amenity space the depth and width of the rear gardens are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse and is representative of the proportions of rear gardens in the vicinity.

## Highways

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards

within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

### *Car parking*

The Council's Highway Officer has reviewed the current application and not raised any objection to the level of parking provided off road at the site and the access onto Jackson Road. It is therefore considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

### *Cycle parking*

Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage within the open front garden area. This is not considered acceptable. However, a planning condition is recommended in this regard for further details to address this issue in connection with landscaping details to ensure the storage is secure and lockable as necessary.

### *Refuse*

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of a refuse storage area adjacent to the north flank curtilage of the access way. A planning condition is recommended in this regard for further details of a containment structure and capacity.

### Neighbouring amenity

Policy BE1 of the UDP 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.

In terms of outlook, the fenestration arrangement will provide front and rear outlook for each unit overlooking amenity space or overlooking the street and vehicle access way primarily. Non habitable room flank windows in Unit 1 and 4 are also proposed.

Concerns have been raised regarding the terrace building directly overlooking properties to the west of the site causing loss of privacy and blocking natural light to neighbouring property.

The current scheme has revised the footprint position of the terrace and removed the additional detached dwelling from the scheme previously considered a significant impact in terms of direct overlooking to adjacent amenity space resulting in a loss of privacy.

As a consequence of the revisions undertaken the massing relationship of the proposed terrace building to adjoining dwellings at No124 and No126 has been considerably improved. A distance of approximately 21m is now provided to the rearmost point of the rear extension at No26 and approximately 23m to the main rear elevation. In relation to No 134 a distance of over 25m is achieved at an oblique angle to the site. While it is acknowledged that there will be a perception of greater overlooking the distances between the proposed and existing properties is considered to maintain a suitably level of privacy and as such is now considered to maintain an acceptable level of residential amenity to neighbouring property.

In terms of noise and disturbance concerns have been raised by neighbours that there would be excessive noise and disturbance. Neighbours principally fear those effects that would be generated by the proposed parking areas and increased use of the access way by vehicles. On balance the noise and disturbance generated by 8 parking spaces is considered as insufficient to result in significant material harm to neighbours in terms of vehicle movements to produce a harmful impact. Therefore, any increase in noise and disturbance that would result from the proposed development would not represent the substantial, additional material harm that might justify refusal of the application on this basis specifically.

### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

### Trees

Policy NE7 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to landscaping. A central birch tree and smaller peripheral trees are indicated to be removed on site to facilitate the development.

The Council's Arboricultural Officer has reviewed the scheme and not raised any objections in this respect. Full details of hard and soft landscaping and boundary treatment are recommended to be sought by condition as necessary.

### Security

The Metropolitan Police Designing Out crime Officer has advised that the scheme should achieve the physical security requirements of Secure by Design by incorporating the use of tested and accredited products. This is not required to be secured by planning condition. However, the security measures suggested are incorporated under Part Q of the Building Regulations.

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

### **Conclusion**

The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and house type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/04892/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3** Details of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 4** Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 5** Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s). Details shall also be provided of a section of acoustic fencing adjacent to the two car parking spaces on the southern boundary next to No124 Jackson Road. The details as approved shall be implemented and permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 6** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 7** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential

traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 8** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) for 2 bicycles for each dwelling shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and the bicycle parking/storage facilities shall be permanently retained thereafter.

**Reason:** In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 9** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

**Reason:** To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

- 10** The surface water drainage scheme hereby permitted shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. The following approved plans shall be complied with:

- o Drainage Strategy & Maintenance Requirements Report carried out by HODEL Consulting Engineers with Ref No. 17-052 dated 25/09/2017.
- o Engineering Layout Plan DRW No. 17-052\_C01 Rev. A Dated May 2017.
- o Drainage Calculations with File SA1\_REVA.SRCX Rev A Dated 25/09/2017.

**Reason:** To reduce the impact of flooding both to and from the proposed development and third parties and to accord with Policy 5.13 of the London Plan.

- 11** The Tree Protection Plan JR/TPP/1309-02-B hereby permitted shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

**Reason:** In order to comply with Policy NE7 of the Unitary Development Plan and ensure the works are carried out according to good arboricultural practice in the interest of the health and wellbeing of trees to be retained .

**12** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

**13** No additional windows shall at any time be inserted in the flank elevations of the terrace building hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 and H7 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**14** The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

**Reason:** To comply with Policy 3.8 of the London Plan and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

**15** No extensions or alterations to the building(s) hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

**Reason:** In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policies BE1 and H7 of the Unitary Development Plan.

**You are further informed that:**

**1** The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an

application to the Planning Authority, before any such works of demolition take place.

- 2 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)
- 3 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)
- 4 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 5 Before works commence, the Applicant is advised 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. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 6 If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 7 The applicant is advised that the development shall strive to achieve the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy of Policy 5.2 of the London Plan.

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## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/01780/RECON

**Ward:**  
**Bromley Common And**  
**Keston**

**Address :** 2A Jackson Road Bromley BR2 8NP

**OS Grid Ref:** E: 542460 N: 165943

**Applicant :** Mr Halil Karaoglan

**Objections :** YES

### **Description of Development:**

Variation of Condition 2 of planning permission ref 14/02458/VAR(single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation to Monday - Wednesday: 08.45 - 18.30 hours; Thursday - Friday: 08.45 - 19.00 hours; Saturday: 08.30 - 18.00 hours; Sunday: 10.30 - 15.00 hours; Bank Holidays: 10.30 - 15.00 hours

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 22

### **Proposal**

The application site is located to the southern side of Jackson Road and is located to the rear of 137 Hastings Road.

This application seeks the variation of condition 2 of planning permission reference 14/02458 (single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation.

Condition 2 of permission 14/02458 states that the use shall not operate on any Sunday or Bank Holiday nor before 0900 or after 1800 on Monday to Saturday.

This application seeks to extend opening hours to:

Monday to Wednesday 08.45 to 18.30 hours  
Thursday to Friday 08.45 to 19.00 hours  
Saturday 08.30 to 18.00 hours  
Sunday 10.30 to 15.00 hours  
Bank Holidays 10.30 to 15.00 hours

The application advises that the increased hours will help to increase income to cover rent; that the current hours are restrictive for the local community; the service provided is not noisy and does not cause disruption to the local community; local barbers and hairdressers do not have such restriction imposed on them and the

applicant should be able to compete on a level playing field; current opening hours restrict local people who want to use the facility after work.

## **Consultations**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- Parking is bad locally - extended hours will make it worse
- Noise and disturbance and unsafe driving practices. Extended hours will make it worse, including Sunday and Bank Holidays
- Do not stick to current operating hours
- The only business in a residential road - has affected ambience; encourages loitering
- Restriction on hours was previously applied to minimise disturbance to residents
- Support - the hours will make it easier for working people to use the facility and support local business
- Lovely barber - good rapport with children so makes it easier
- Support local business
- Trading hours between local business varies greatly; it is not necessarily this business that adds such a burden to the parking congestion locally

Highways comments note that the proposal site is situated to the southern side of Jackson Road and to the rear of 137 Hastings Road. They are of the opinion that the development would not have a significant impact on the parking demand in the area, therefore on balance raise no objection to the proposal.

## **Planning Considerations**

The application falls to be determined in accordance with the NPPF, the London Plan and the following policies of the Unitary Development Plan:

BE1 Design of New Development  
S5 Local Neighbourhood Centres, Parades and Individual Shops  
T18 Road Safety

Draft Policy 37  
Draft Policy 96  
Draft Policy 32

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the submission of the draft Local Plan will be to the Secretary of State in mid-2017.

These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The planning history includes 08/01637/FULL1 Change of use to land rear of 137 Hastings Road Bromley to hand car washing service - refused; 08/04001 Change of use to land rear of 137 Hastings Road Bromley for car hand wash - refused; 13/01136 Single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front - permission; 13/01136/AMD AMENDMENT: Proposed new opening (a door and a window) to the flank wall facing east - refused as a non-material amendment and subsequently approved under planning application reference 14/04048; 14/02458/VAR Variation of condition 2 of planning permission ref. 13/01136 (single storey rear extension for use as a separate shop (A1 use class) and installation of associated shop front) to extend hours of operation on Monday to Wednesday 9am to 6pm, Thursday to Friday 9am to 7pm, Saturday 9am to 6pm and Sunday 11am to 4pm at 137 Hastings Road/2A Jackson Road.

Condition 2 of permission 14/02458 states that the use shall not operate on any Sunday or Bank Holiday nor before 0900 or after 1800 on Monday to Saturday.

## **Conclusions**

The main issues relating to the application are the effect that those additional opening days and times would have on the amenities of the occupants of surrounding residential properties and the impact that it would have on the highway, parking and road safety.

No specific client numbers/number of barbers operating at the premises are submitted as part of the application information. However the premises are not large and given the existing use it is considered unlikely that the proposed increase in hours to the existing operating days will generate significant noise from movements of customers by vehicle or on foot.

A number of local objections are received and include concern that extending hours and days of opening including into Sundays and Bank Holidays will cause noise and disturbance and the original restriction on hours was previously applied to minimise disturbance to residents. Letters of support are received, some from local residents and some from customers who do not live in the vicinity.

To extend the opening hours and days as proposed will result in an impact on amenity particularly given the shop does not currently open on Sundays and Bank Holidays at all. There is a certain level of activity around the existing local parade of shops which fronts on to Hastings Road. The planning history recognises that the unit at 2a Jackson Road brings a level of commercial activity in to this residential street and seeks to protect amenity by the imposition of restrictive hours and days of use.

It is for careful consideration as to the extent of the impact that may arise from the increased hours and days of operation and whether it will result in such an unneighbourly impact as to warrant a planning ground of refusal.

The applicant has indicated that they are willing to have a temporary period of consent in order that the impacts of the extended hours and days of opening of the business on neighbouring amenity may be fully re-considered after a temporary period of operation.

With regard to impact on parking and the highway, whilst Members may note the objections, the Highways Officer is of the opinion that the development would not have a significant impact on the parking demand in the area and therefore raises no objection to the proposal

As noted above, the premises are not large and given the existing use it is considered unlikely that the proposed increase in hours to the existing operating days will generate significant noise from movements of customers by vehicle or on foot. It is the proposed extension into Sundays and Bank Holidays which will bring activity into the vicinity on days when there currently is none. How significant this movement and activity will be, given the limited hours proposed, needs to be weighed carefully. Members may consider that a temporary permission to increase the hours and days of operation will allow a good opportunity for the impacts on neighbouring amenity to be re-assessed after a set period of time. It may be prudent to also consider a planning condition that does not allow the use on Christmas Day, Good Friday and Easter Sunday.

Background papers referred to during production of this report comprise all correspondence on file references set out in the Planning History section above excluding exempt information.

**as amended by documents received on 21.06.2017**

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area**

- 2 The use shall not operate before 08.45 hours and after 18.30 hours Monday to Wednesday; nor before 08.45 hours and after 19.30 hours Thursday to Friday; nor before 08.30 hours and after 18.00 hours Saturdays; nor before 10.30 hours nor after 15.00 hours Sundays**

**and Bank Holidays. The use shall not operate on Christmas Day, Good Friday nor Easter Sunday.**

**Reason: In order to comply with Policy BE1 of the adopted Unitary Development Plan and in the interest of the amenities of nearby residential amenities.**

**3 The external areas that form part of the use hereby permitted shall not be used for the purposes of storage at any time.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interests of the amenities of adjoining residents and the character of the area.**

**4 The use of the premises for the increased hours and days permitted shall be limited and shall discontinue by 20th July 2018.**

**Reason: In order to comply with Policy BE1 of the Adopted Unitary Development Plan and so that the situation can be reconsidered in the light of the circumstances at that time and in the interest of nearby residential amenities.**

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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/02754/FULL1

**Ward:**  
Copers Cope

**Address :** 210 High Street Beckenham BR3 1EN

**OS Grid Ref:** E: 537219 N: 169368

**Applicant :** Mr Sayed Sadat

**Objections :** YES

### **Description of Development:**

Installation of a new shopfront (RETROSPECTIVE APPLICATION)

Key designations:

Conservation Area: Beckenham Town Centre

Areas of Archeological Significance

Biggin Hill Safeguarding Area

London City Airport Safeguarding

Primary Shopping Frontage

Smoke Control SCA 12

### **Proposal**

Retrospective planning permission is sought for the changes made to the shopfront. The shopfront was altered in November 2016.

The application is accompanied by a Design & Access Statement.

The premises are a two storey mid terrace property located on the northern side of Beckenham High Street. The premises lie in the Beckenham Town Centre Conservation Area.

### **Consultations**

Comments received in respect of the application are summarised as follows:

- The property is in a conservation area aiming to preserve the character and appearance of the area.
- The new shop front completely alters the character of the original one when it was a shoe shop.
- The new shopfront makes the property stand out from other shops and detracts from the general traditional character of the High St.
- There is no mention of the gas powered flaming obelisks in the application or the already installed external flickering light. These features are in total contrast with the neighbouring retail properties.

## **Consultee comments**

Conservation Officer - The proposed shopfront, which is now installed, is simple in its design and retains a stallriser so I raise no objection. The proposal is therefore acceptable under BE11 and BE19

APCA - Objection. The design is not sympathetic to the Conservation Area and lack of information on suitable materials. Does not comply with SPG 3.6 & 3.7

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development  
BE11 Conservation Areas  
BE19 Shopfronts

Supplementary Planning Guidance 1 - General Design Principles

Draft Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 37 General Design of Development  
Draft Policy 41 Conservation Areas  
Draft Policy 101 Shopfronts and Security Shutters

London Plan

7.4 Local Character  
7.6 Architecture  
7.8 Heritage Assets and archaeology

## **Planning History**

Under planning application reference: 17/02751/FULL1 planning permission is currently pending consideration for Introduction of seating to the first floor of the property and change of use of first floor to function room / additional restaurant seating in connection with the use of the ground floor as a restaurant and insertion of external door to first floor in rear elevation.

Under planning application reference: 17/02753 /FULL1 planning permission is currently pending consideration for planning permission is currently pending consideration for retrospective application for the continued use of the property as a restaurant (Use Class A3) with installation of an extraction system

Under planning application reference: 17/02755/FULL1 planning permission is currently pending consideration for retrospective application for introduction of external ancillary seating to the rear of the property to be used for the consumption of hot food. New fencing to rear and retractable canvas awning to be installed over part of the external area.

Under planning application reference: 16/ 05191/FULL1 planning permission was refused for installation of kitchen extraction hood and installation of external ducting to rear.

The application was refused for the following reason:-

1. *The revised plans do not show sufficient detail to meet the required technical standards for ventilation requirements as required by DEFRA and could potentially lead to the discharge of cooking odours and smells that could give rise to nuisance for neighbouring residents contrary to policy BE1, ER9 and S9 of the Unitary Development Plan & Policy 7.15 of the London Plan.*

On the 30th November 2016 the applicant wrote to the Council notifying his intention to change the use of the premises from a shop (Use Class A1) to a restaurant (Use Class A3) for a temporary 2yr period under Part 4, Class D of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Under planning application reference: 16/04189/CUTA prior approval was refused change of use application from shop Class A1 (retail) to Class A3 (restaurant) (56 day application in respect of noise, odour, waste, opening hours, highways, service provision, sustainability and appearance under Class C Part 3 of the GPDO. The prior approval application was refused for the following reasons:-

1. *The proposed ventilation is unsatisfactory as it provides no odour abatement and in the absence of evidence to suggest the contrary, would adversely impact residential amenity by virtue of noise. The extent of the proposed opening hours would exacerbate noise within the site by virtue of transient pedestrian and vehicle movements within close proximity to neighbouring dwellings contrary to policy BE1 and S9 of the Unitary Development Plan, Policy 7.15 of The London Plan and the Mayors SPG Housing (2012).*
2. *The applicant has failed to provide sufficient information in respect of refuse and waste management and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of refuse, contrary to saved policy BE1 and S9.*

3. *The proposed siting and location of the ventilation ductwork is considered incongruous, prominent and unsightly when viewed from the rear of 21 Windsor Drive contrary to policy BE1 of the Unitary Development Plan.*
4. *The proposed Class A3 is not considered to contribute to the vitality or range of local services within the shopping parade and in the absence of information to demonstrate otherwise, the loss of the A1 unit would have a detrimental impact upon the vitality of the shopping parade given the extent of neighbouring A3/A5 uses and the loss of a viable retail unit contrary to policy S5 of the Unitary Development Plan.*

Under planning application reference: 15/01492 planning permission was refused for a two storey rear extension to provide an enlarged retail unit, 1 x 1 bedroom flat, 1 x 2 bedroom flat and change of use of existing first floor from retail to residential. The application was refused for the following reasons:-

- 1 *The proposal constitutes a overdevelopment of the site and if permitted would establish an undesirable pattern for similar residential infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policy H7 and BE1 of the Unitary Development Plan.*
- 2 *The proposed windows within the bedrooms of both flats do not provide a reasonable view or outlook and would be harmful to the amenities of future occupiers contrary to Policies H7 and BE1 of the Unitary Development Plan.*
- 3 *The provision of a balcony overhanging the ground floor extension would give rise to undesirable overlooking of the rear gardens located on The Drive and would not provide a desirable outlook for future occupiers overlooking an alleyway, contrary to Policy BE1 and Policy H12 of the Unitary Development Plan.*
- 4 *The proposed development could potentially result in the increase of on-street parking and intensify the use of parking in Beckenham High Street and The Drive and in the absence of an appropriate parking survey to suggest otherwise, the proposal would be likely to give rise to an undesirable increase of on-street parking in nearby roads, and would also lead to conditions prejudicial to the free flow and general safety of traffic along these roads contrary to Policies T2, T3 and T18 of the Unitary Development Plan*

The above mentioned application (15/01492/FULL1) was allowed on appeal on 31st December 2015.

## **Conclusions**

### Background

The premises changed from a Retail Unit (Use Class A1) to a Restaurant (Use Class A3) in November 2016 under temporary 2yr consent. The applicant has until November 2018 before the temporary consent comes to an end and he would need to apply to the Council to regularise this. The applicant has chosen to bring forward this process and this application seeks full planning permission for the changes made to the shopfront.

Although there are other applications relating to the use and other development at this premises, this application should be considered entirely separately from these and on its own merits.

### Design

Policy BE19 states that when considering applications for shopfronts the Council will require the proposed to be well related to its context (ii) be of a high quality design (iii) period features should be retained where appropriate; (iv) deep or uninterrupted fascia's are avoided; (v) stallrisers are provided; (vi) display windows at first floor level are avoided; and (vii) appropriate provision is made for access by those with mobility impairment.

Paragraph 6.51 of the above policy states that the design of shop fronts has a critical role to play in the creation of attractive and vibrant town centres. They are frequently replaced and altered as tenants change. As the character and appearance of a shopping parade or street is determined by its individual components, it is important that any proposals are viewed in respect of the wider environment as well as the individual unit. It goes on to state that good design can make a positive contribution to urban character. It is vital that designs and materials of shopfronts are sympathetic to the scale and existing features of the host building and its surroundings. In particular the standardisation of shop design is often at odds with the traditional scale of the buildings. The original character and individual qualities of buildings in shopping centres should be preserved. In conservation areas and historic buildings it is particularly important that materials relate to the period, style and character of the buildings.

BE11 states that in order to preserve or enhance the character or appearance of Conservation Areas, a proposal for new development, alteration or extension to a building will be expected to respect or complement the layout, scale, form and materials of existing buildings.

The site is located within the main part of Beckenham High Street which lies in designated Primary Shopping Frontage and Beckenham Town Centre Conservation Area. The works to the shop front have already been carried out.

The original shop front included a recessed door, with two display windows, fanlight above the door and a generous stall riser. The proposed and implemented changes include the doorway being relocated from a central position to the left

hand side of the premises, large glazed window and a stallriser and main fascia sign with canopy awning. The existing external brickwork at ground and first floor has been painted black.

#### Impact to the character and appearance of the Conservation Area

It is noted that High Street Beckenham encompasses a variety of shop fronts, with traditional and modern designs. These vary in terms of their materiality, glazing pattern and stall riser depth. The High Street was designated a Conservation Area in 2015. Forward of this period Policy BE11 is now a consideration in the determination of the application.

The overall design and proportions, whilst modern, are considered to be in keeping with the host building and Conservation Area. The applicant has sought to retain a traditional recessed door, stallriser and glazed window which would have a neutral effect on the character and appearance of the Conservation Area.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02751/FULL1, 17/02753/FULL1, 17/02754/FULL1 & 17/02755/FULL1, 16/05191/FULL1, 16/04189/CUTA, & 15/01492/FULL1, set out in the Planning History section above, excluding exempt information.

#### **RECOMMENDATION: PERMISSION**

##### **Subject to the following conditions:**

- 1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/03951/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 27 Birchwood Road Petts Wood  
Orpington BR5 1NX

**OS Grid Ref:** E: 545078 N: 168131

**Applicant :** C/O Agent

**Objections :** YES

### **Description of Development:**

Part one/two storey front and rear extensions, removal of existing porch and replacement, conversion of garage to habitable accommodation, internal alterations with elevation alignments, loft conversion including roof lights, minor raise of overall ridge height.

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 4

### **Proposal**

The proposal seeks to extend the host dwelling with part one/two storey side/rear extensions, new front porch, conversion of existing garage to habitable accommodation, provision of 'granny annexe', loft conversion to include new rear dormer extension and rooflight windows, and elevation alterations.

The provision of a granny annexe will retain a permanent link with the host dwelling through a ground floor link from the living room/tv room of the host dwelling, and at first floor level via the landing for the annexe and dressing room of 'bedroom 3' of the host dwelling.

The proposed side extension will remove the existing garage at ground floor and replace with habitable accommodation, with the front elevation being pulled forward in-line with the forward most part of the host dwelling which currently serves as the living room. This element will be two storeys in height, providing a separation to the flank property boundary of approx. 1.1m which is a continuation of the existing level of separation to the property boundary in terms of side space.

The roof of this side extension element will have a gable feature to the front and will be hipped away from the property boundary shared with No.25.

The single storey rear extension will project beyond the rear elevation of the host dwelling by approx. 4.25m along the flank elevations and approx. 5.1m from the centre of the existing rear elevation.

The ridge height of the host dwelling will remain as existing, and the ridge of the side extension will match the highest point of the host dwelling.

One off-street car parking space will be lost by the conversion of the garage to habitable accommodation, however there remains sufficient space on the frontage for off-street vehicular parking.

Amended plans were received on 27th November 2017 which altered the overall height of the front/side extension and reduced the resulting front gable feature so that the overall height now matched the ridge of the host dwelling.

### Location and Key Constraints

The application site is located on the southern side of Birchwood Road within the Petts Wood Area of Special Residential Character and hosts a detached dwellinghouse with attached garage.

## Consultations

### Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

#### Objections:

- There are no details on the plan showing what appears to be a dormer on the 2nd floor;
- These dormers are usually unsightly and not in keeping with the area, and will have a direct line of sight into my children's bedroom.

#### Support:

- None received.

#### Local Groups:

- The plans subcommittee of Petts Wood & District Residents' Association (PWDRRA) object for the following reasons:
- The design of the proposed extension with a large gable will dominate the front elevations and gives both side elevations a 'top heavy' appearance;
- The side elevations will look stark without any windows at first floor level to break up the side walls.
- We feel that this is not in keeping with other similar properties in Birchwood Road that may have the benefit of similar extensions but these are set

back from the frontage and appear subservient. This design gives the gable dominance over the rest of the house. This effect is enhanced due to the proposal to raise the ridge height by 0.3m. As such it is against Policies H8, BE1 as well as SPG2 Residential Design Guidance paragraph 2.2.

- The rear building line would appear to be breached by up to 0.6m or 60cms. As such, this would be against the strengthened Petts Wood ASRC statement approved by LBB DC committee on 24 March 2015. This supplementary statement is capable of being a material planning consideration when considering planning applications for the Petts Wood ASRC.
- This states that 'The front building and rear building lines are also of importance in defining the area. The buildings are of a 1930s design, for example some built by the distinguished designer Noel Rees, which adds to the character of the area. Whilst there have been some changes post war this design aspect of the area remains intact and future development should respect this characteristic.' Therefore this proposal fails in this respect and would be contrary to Policy H10.
- The existing garage would be 'lost' by this proposal. PWDRA have concerns about the cumulative impact that this has had and is having.

#### Comments from Consultees

Highways: whilst the development will result in the loss of one parking space by conversion of the existing garage to habitable accommodation, there remains spaces within the site's curtilage which would be utilised for parking and on balance no objection is raised.

#### Planning Considerations

##### Policy Context

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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

- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.in the NPPF, the greater the weight that may be given).

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

#### London Plan Policies

7.4 Local character

7.6 Architecture

#### Unitary Development Plan

H8 Residential extensions

H9 Side space

H10 Areas of Special Residential Character

T3 Parking

T18 Road safety

BE1 Design of new development

#### Draft Local Plan

6 Residential Extensions

7 Accommodation for Family Members

8 Side Space

30 Parking

37 General Design of Development

44 Areas of Special Residential Character

#### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

#### Planning History

There is no relevant planning history relating to the application site.

### **Conclusions**

#### Considerations

The main issues to be considered in respect of this application are:

- Design

- Highways
- Neighbouring amenity

## Design

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.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Having regard to the form, scale, siting and proposed materials, it is considered that the proposed extensions would complement the host property and would not appear out of character with surrounding development or the area generally.

The proposed side extension will remove the existing garage at ground floor and replace with habitable accommodation, with the front elevation being pulled forward in-line with the forward most part of the host dwelling which currently serves as the living room. This element will be two storeys in height, providing a separation to the flank property boundary of approx. 1.1m which is a continuation of the existing level of separation to the property boundary in terms of side space.

The roof of this side extension element will have a gable feature to the front and will be hipped away from the property boundary shared with No.25. Whilst the gable feature to the front will increase the overall bulk of this part of the host dwelling, and concerns regarding this element of the scheme has been raised by the Petts Wood District Residents Association (PWDRA), it is considered that the hipped feature to the side will help to reduce the overall impact in terms of the design of the scheme within the streetscene and the ASRC. The gable feature to the front of the host dwelling is considered to form the focal point of the resulting dwelling, which although will be larger than the existing dwelling in this position, it is considered that it would be unlikely to cause undue harm to the character of the host dwelling or the wider streetscene. There are a number of properties within the wider area that benefit from gable features to the front, therefore the concept is not considered to be out of keeping in this location.

Whilst it is acknowledged that the side extension will project forwards from the front elevation of the existing side element, it will not protrude beyond the forward most part of the host dwelling and whilst concern has been raised by the PWDRA it is considered that the forward projection will not detract from the overall character of the host dwelling and due to the position of the property in relation to the roadside and how far back the dwelling is set from the front property boundary, it is not considered that these front extensions will harm the character of the streetscene or ASRC.

The single storey rear extension will project beyond the rear elevation of the host dwelling by approx. 4.25m along the flank elevations and approx. 5.1m from the centre of the existing rear elevation. This has been raised as a concern by the

PWDRA with regard to extending beyond the rear building line. However, as the existing rear elevations of the neighbouring properties either side are further rearward than the existing host dwelling, and although the rearward projection as proposed is fairly substantial, due to the separation to either flank property boundaries, particularly the separation from the most rearward part of the extension located in the centre of the host dwelling, it is not considered excessive.

Members may consider that the introduction of the new front porch feature helps to enhance the overall character and appearance of the host dwelling, providing a more central entrance into the property. The ridge height of the host dwelling will remain as existing, and the ridge of the side extension will match the highest point of the host dwelling, therefore minimising the overall impact that the additional roof bulk will have within the streetscene.

### Highways

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

No technical Highways objections have been raised, and the scheme is therefore considered acceptable from a Highways point of view.

### Neighbouring amenity

Policy BE1 of the UDP 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.

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

With regard to the side extension resulting in a 'granny annexe' to the host dwelling, the floor plans and supporting documentation all provide confirmation that there will always remain a permanent link into the host dwelling, and confirmation has been provided within the supporting documentation that the annexe will not be severed to form separate accommodation or rented out privately but used for family purposes. This can also be controlled by way of planning condition, preventing its severance from the host dwelling if the scheme is considered acceptable.

By ensuring that the resulting development would not be severed from the host dwelling now or in the future, it is possible to prevent an overdevelopment of the site which in turn would be beneficial to local residents.

In terms of the proposed single storey rear extension, the rearward projection as proposed is fairly substantial however due to the separation to either flank property boundaries, particularly the separation from the most rearward part of the extension located in the centre of the host dwelling, it is not considered excessive. In addition, due to the existing relationship with the neighbouring properties, it is considered that the increase in depth to the rear of the property is acceptable and unlikely to cause harm to the visual or residential amenities of the residents of the neighbouring dwellings.

Concern has been raised by the occupier of a property to the rear of the site with regard to the introduction of the rear dormer extension, particularly in relation to the possibility of views into rear bedroom windows from the dormer extension and that the feature would be out of keeping in the area. However, rear dormer features can be seen on both neighbouring properties and are a regular feature upon properties across the entire borough, whether built under full planning approval or building regulations alone. There is also a significant degree of separation between the rear elevation of the property to the rear and the position of the proposed rear dormer extension which should minimise any issues of loss of privacy to other residents. The proposed rear dormer would have a flat roof which although may not entirely fit with the character of the host dwelling, it would result in it being less bulky than some dormer extensions with fully pitched roofs, and as it is sited fully within the rear roofslope of the host dwelling it will not be visible from the roadside and therefore will not have any impact upon the ASRC.

## CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

## Conclusion

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 area of special residential character that the property is located within.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

**1** The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**REASON:** Section 91, Town and Country Planning Act 1990.

**2** Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

**3** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**REASON:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

**4** The additional accommodation shall be used only by members of the household occupying the dwelling and shall not be severed to form a separate self-contained unit.

**REASON:** In order to comply with Policy H8 of the Unitary Development Plan and Draft Policy 7 of the emerging Local Plan, to ensure that the accommodation is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

**5** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**REASON:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

**REASON: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.**

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**Application No :** 17/03991/FULL6

**Ward:**  
**Hayes And Coney Hall**

**Address :** 8 Montcalm Close Hayes Bromley BR2  
7LZ

**OS Grid Ref:** E: 540412 N: 167219

**Applicant :** Mr Sharp

**Objections : NO**

**Description of Development:**

First floor side extension

Key designations:

Smoke Control SCA 51

**Proposal**

Planning permission is sought for a proposed first floor side extension. The proposal will have a depth of 4.5m, a width along the front elevation of 2.3m extending to 4m to the rear. The proposal will have a staggered hipped roof appearance with a height of 6.3m increasing to 7.6m to match the ridge height of the host dwelling.

The application site comprises of a two storey semi-detached property located on the south-east side of Montcalm Close, Hayes. The property does not lie in a conservation area and is not listed.

**Consultations**

Nearby owners/occupiers were notified of the application and no representations were received.

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

Planning Considerations

National Planning Policy Framework:

Chapter 7- Requiring Good Design

London Plan:

Policy 7.4 Local character

Policy 7.6 Architecture

Unitary Development Plan:

BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space

SPG1 General Design Guidance  
SPG2 Residential Design Guidance

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to: The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); 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

The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given). As set out in paragraph 216 of the National Planning Policy Framework, emerging plans gain weight as they move through the plan making process.

Draft Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The following emerging draft policies are relevant to this application.

Draft Policy 6 Residential Extensions  
Draft Policy 8 Side Space  
Draft Policy 37 General Design of Development

### Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

### Design

Both national and local planning policies recognise the importance of local distinctiveness in ensuring an effective planning system which achieves favourable design. Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness, whilst paragraph 61 refers to the fact that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Similarly, policies BE1 and H8 of the UDP set out a number of criteria for the design of new development. With regard to local character and

appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas.

Whilst London Plan Policies 7.4 and 7.6 seek to enhance local context and character, as well as encouraging high quality design in assessing the overall acceptability of a proposal.

Furthermore, Policy H9 of the UDP and Draft Policy 8 of Bromley's emerging Local Plan requires planning proposals for two or more storeys in height, including first floor extensions to retain a minimum 1 metre space from the side boundary for the full height and depth of the proposal.

The proposal would incorporate a side space of 0.85m. The application site forms part of a close of semi-detached houses, many of which have been extended and altered along the side elevation at ground and first floor level. Due to the size, layout and constraints of the plots along the road it appears some of the properties, have not incorporated a metre side space, in particular, properties at No.4 and 5. As well as the examples referred to above, the host dwelling is set back from the street scene by approximately 10m and is well screened by the neighbouring properties 9 and 10, thus the property is not easily identifiable from the street scene.

Policy H9 of the UDP outlines (in part):

'When considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building;'

This policy seeks to ensure 'that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.'

It is noted that, the presence of the term 'normally' in the body of UDP policy H9 strongly implies, a need for discretion in the application of the having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

Taking the above into account, the development is not anticipated to appear cramped within its plot size, lead to any unrelated terracing from occurring, or have a detrimental impact to the spatial standards and visual amenities of the surrounding area when considering the layout and siting of the property, and the relationship with neighbouring properties. Furthermore, the design of the extension would complement the character and appearance of the host dwelling and

adjoining properties. As such, the proposal is considered to comply with the policy objectives of Policy H9 of the UDP.

### Impact on Residential Amenity

Policy BE1 of the UDP, Draft Policy 37 and 7.6 of the London Plan seek to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The proposal is not expected to lead to any undue loss of amenity by way of outlook or prospect to the neighbouring property at No.9. Given the layout and siting of both properties within the close, the proposal would be sited a fair distance from windows serving habitable rooms within the rear elevation. Therefore, the proposal would not significantly impact the visual amenity of No.9.

### Summary

Taking into account the above, Members may therefore consider that the development in the manner proposed is on balance acceptable. Whilst a 1 metre side space is not provided for the full height and depth of the proposal, the layout and siting of the host dwelling and the subsequent extensions would not appear cramped or lead to a terracing affect. Accordingly, it is considered that the proposal would not be in conflict with the policy objectives of H9 or Draft Policy 8.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/03991/FULL6 and any other applications on the site set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**REASON: Section 91, Town and Country Planning Act 1990.**

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

**3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/04378/FULL1

**Ward:**  
Orpington

**Address :** Heatherwood 33 Station Road  
Orpington BR6 0RZ

**OS Grid Ref:** E: 545825 N: 165749

**Applicant :** Mr Martin Mills

**Objections :** YES

### **Description of Development:**

Demolition of existing Care Home and erection of detached three storey building comprising 1 two bedroom flat and 4 one bedroom flats with 5 car parking spaces, 1 motorcycle space, cycle and refuse stores, and first and second floor rear balconies

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 29  
Smoke Control SCA 4

### **Proposal**

The proposals are for the demolition of the existing care home building, and the erection of a detached three storey building comprising 1 two bedroom 4 person flat on the second floor, and 4 one bedroom 2 person flats on the ground and first floors. The building would be in a similar position on the site but would extend a further 1.8-2.8m to the rear, and a further 0.8-2.6m to the side adjacent to No.31, although it would still be set back at least 2.5m from this boundary. The building would have a pitched roof with front and rear gables and a front dormer, and rear balconies and terraces would be provided.

A total of 5 car parking spaces and 1 motorbike space would be provided at the front of the site with one central access from Station Road. The existing in-out accesses would be stopped up. Refuse storage would be provided to the side of the building adjacent to No.31, and cycle storage would be located at the rear.

The application is supported by the following documents:

- Design and Access Statement
- Drainage Strategy Report.

Amended plans were submitted on 5th December 2017 showing revised swept paths.

## **Location and Key Constraints**

This site is located on the south-eastern side of Station Road close to the junction with The Drive, and is currently occupied by a large detached two/three storey building used, until very recently, as a 6 bedroom care home (which fell within Use Class C2). The site area measures 0.06ha, and car parking for 4 vehicles is currently provided at the front of the site, accessed by an in-out drive.

The surrounding area comprises predominantly detached and semi-detached houses, although No.28 Station Road is used as a veterinary practice and No.20 opposite is a residential care home known as Ashling Lodge. Adjacent to this at No.18, Knoll Court provides 20 units of sheltered housing.

The site is located in close proximity to Orpington Station and the southern end of the High Street.

## **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

### Objections

- loss of characterful Victorian house
- overshadowing of adjacent patio at No.35
- proposed building should be moved further forward in the site
- overlooking of neighbouring gardens from rear balconies
- the second floor rear windows should be obscure glazed to prevent overlooking of 38 The Drive.

This application was called in to committee by a Ward Councillor.

## **Comments from Consultees**

Drainage Engineer: The Drainage Strategy Report and Drainage Layout Plan submitted are acceptable.

Highways: Station Road is a classified road, a Strategic Route, and part of the A232. The site is within a high (6a) PTAL area, and the property currently has an "in & out" drive.

The previous proposal was to extend the existing building, but the current proposal is for the demolition and replacement of the existing building, although the parking and access layouts are very similar.

The existing accesses would be stopped up and a new central access provided. The layout of the access will need to be agreed with Highways, and all costs, including the relocation of the lamppost, will need to be met by the applicant. There

are 5 parking spaces proposed (one per unit), and given the high PTAL rating, this is considered acceptable.

The swept paths originally provided showed the cars missing the crossover and driving over the footway, particularly in the top and middle left diagrams. However, the revised swept paths submitted show the layout to be workable.

## **Policy Context**

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

### London Plan Policies

Policy 3.3	Increasing Housing Supply
Policy 3.4	Optimising Housing Potential
Policy 3.5	Quality and Design of Housing Developments
Policy 3.8	Housing Choice
Policy 6.9	Cycling
Policy 6.13	Parking

Policy 7.2 An Inclusive Environment  
Policy 7.4 Local Character  
Policy 7.6 Architecture

### Unitary Development Plan

BE1 Design of New Development  
H7 Housing Density and Design  
H9 Side Space  
T3 Parking  
T18 Road Safety  
NE7 Development and Trees

### Emerging Local Plan

Draft Policy 4 - Housing Design  
Draft Policy 8 - Side Space  
Draft Policy 11 - Specialist & Older Peoples Accommodation  
Draft Policy 30 - Parking  
Draft Policy 32 - Road Safety  
Draft Policy 37 - General Design of Development  
Draft Policy 73 - Development and Trees

### **Planning History**

Permission was granted in October 2016 (ref.16/01989) for a two storey side/rear extension to the existing building, side and rear dormers, and decking to the rear, and the conversion of the residential care home (Class C2) into 4 one bedroom flats and 1 two bedroom flat, with 5 car parking spaces, 1 motorcycle space, cycle storage, amendments to the existing vehicular access and a refuse store. This has not yet been implemented.

### **Considerations**

The main issues to be considered in respect of this application are:

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL

### Principle

The principle of the change of use of the site from Class C2 care home to Class C3 residential has already been established by the earlier permission for extension and conversion, although it should be noted that Policy 11 of the Draft Local Plan resists the loss of sites which currently provide specialist and older peoples accommodation unless it can be demonstrated that there is no longer a demand for

the existing accommodation and no demand for sites from alternative providers; or that there is equal or greater replacement provision of specialist accommodation in an alternative appropriate location. However, as this is emerging policy, only limited weight can be given to it at the current time.

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 83 dwellings per hectare with the table giving a suggested level of between 45-130 dwellings per hectare in suburban areas with a 6(a) PTAL location. The proposals would therefore result in an intensity of use of the site that would be within the thresholds in the London Plan.

Whilst the principle of the residential redevelopment of this site is considered acceptable in this location, the proposals also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area, and the impact on residential amenity and pressure for parking in surrounding roads.

### Design

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The footprint of the building would be similar to the extended building permitted in the 2016 scheme, although it would extend 0.8m closer to the north-eastern boundary with No.31 Station Road. However, it would still be set back 2.5m from the side boundary with No.31, and 1.5m from the side boundary with No.35 (as at present), and would therefore comply with the Council's side space policy (H9).

The proposed building would be slightly higher than the existing but the second floor would be contained within the roofspace which is characteristic of the surrounding area. It would have a similar pitched roof design as the existing building with a front gable and front dormer, and would contain a mixture of brickwork and render with timber effect cladding features to the façade.

The proposed size and design of the building is therefore considered to be in keeping with the surrounding area, and given the good separations maintained to the side boundaries, it would not have a harmful impact on the street scene nor on the visual amenities or spatial standards of the area.

### Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Government's National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development. The proposals comprise 1 two bedroom 4 person flat for which The London Plan suggests that the minimum size should be 70sq.m., and 4 one bedroom 2 person flats, for which The London Plan suggests that the minimum size should be 50sq.m. The two bedroom flat would provide 108sq.m. floorspace whilst the one bedroom flats would provide between 57-58sq.m. floorspace, and all the flats would therefore achieve these standards.

Private amenity space in the form of patios would be provided for the two ground floor flats, whilst the upper floor flats would have rear-facing balconies with obscure glazed side screens. A communal garden would also be provided at the rear, and adequate amenity space would therefore be available for all the flats.

The applicant has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies with Policy 3.8 of the London Plan 2015 and the Mayor's Housing Supplementary Planning Guidance 2016.

## Highways

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP should be used as a basis for assessment.

Station Road is a classified road, a Strategic Route, and part of the A232, and the site is located within a high (6a) PTAL area.

The parking provision and layout are considered acceptable for a development of this size, and the central access onto Station Road is not considered to cause a traffic or safety hazard, subject to safeguarding conditions.

## Neighbouring amenity

Policy BE1 of the UDP 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.

With regard to the impact on neighbouring properties, the proposed building would maintain reasonable separations to the adjacent properties at 31 and 35, and would not project significantly further to the rear of either the neighbouring dwellings or the previously permitted two storey rear extension to the property.

The building would be 1m closer to the adjacent property at No.31, but a good separation of at least 6m would still be maintained so that no undue loss of light or outlook would occur. The facing flank elevation of the proposed building would contain obscure-glazed bathroom windows but also clear-glazed kitchen windows at ground, first and second floor levels. However, given the separation distance between the properties, this is not considered to cause significant overlooking of the neighbouring property. In addition, the first floor rear balcony would have an obscure glazed side screen to protect privacy.

With regard to the impact on No.35 to the south-west, the residents have raised concerns about the visual impact of the building and overshadowing of their rear patio, and although the building would project 1.8m further to the rear than the existing building, this would not be as deep as the permitted two storey rear extension, and there would be a separation of 3.1m maintained between the two buildings. Although the proposals would result in some overshadowing and loss of outlook from No.35, this is not considered to be to such a degree to warrant a refusal.

The proposed windows in the flank elevation of the building facing No.35 would be either obscure-glazed or high-level windows, which should adequately prevent overlooking of this property. The rear balconies proposed would also have obscure-glazed side screens to protect the privacy of the adjoining occupiers.

The site backs onto the rear garden of No.38 The Drive, and the occupiers have raised concerns about overlooking of the garden from the rear-facing windows and balconies, particularly at second floor level. The existing building has two rear dormer windows serving a bathroom and a store which were proposed to be obscure glazed under the permitted conversion scheme as they served bathrooms, whilst the current scheme proposes a dining room window, a staircase window, and living room doors leading out onto a balcony at second floor level which would cause some additional overlooking. However, a parapet wall is proposed to the front of the balcony which would reduce overlooking from the balcony itself and from the living room and staircase windows, whilst the dining room window would face the far end of the rear garden of No.38. The current building already has a number of windows that overlook the garden of No.38, which is not unusual in a residential area, and the additional overlooking from the second floor windows is not considered to be unduly harmful to neighbouring properties.

On this basis, the proposals are not therefore considered to have a significant detrimental impact on residential amenity

### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

### **Conclusion**

The proposals would result in an acceptable redevelopment of this site which would be in keeping with the character and spatial standards of the surrounding area, and would not have a significantly harmful effect on the amenities of neighbouring residents nor on traffic and road safety in the area.

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.

as amended by documents received on 05.12.2017

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 The boundary enclosures indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.**

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 4 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.**

**Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.**

- 5 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.**

**Reason:** In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 6** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 7** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

**Reason:** In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 8** The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.

**Reason:** In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 9** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 10** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the building hereby permitted, without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 11** Details of the means of privacy screening for the balcony(ies) shall be submitted to and approved in writing by the Local Planning Authority

before any work is commenced. The development shall be carried out in accordance with the approved details and permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 12 Before the development hereby permitted is first occupied the proposed windows shown to be obscure glazed on the submitted drawings within the flank elevations of the building shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the windows shall subsequently be permanently retained in accordance as such.

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 13 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 14 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 15 The surface water drainage scheme hereby permitted shall be implemented in full accordance with the approved details unless otherwise agreed in writing by the Local Authority. The following approved plans/report shall be complied with:
- Drainage Strategy Report carried out by Stilwell Partnership, Ref. P3326 Rev 1 dated 20/09/2017
  - Drainage Layout Plan ref. TSP/MCG/P3326/300 Rev, A dated August 2017
  - Microdrainage Calculations carried out by Stilwell Partnership dated 15/09/2017.

Reason: In order to comply with Policy 5.13 of the London Plan and to reduce the impact of flooding both to and from the proposed development and third parties.

- 16 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently thereafter.

Reason: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure

that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that :

- 1 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/04590/FULL6

**Ward:**  
Bickley

**Address :** 14 Yester Road Chislehurst BR7 5LT

**OS Grid Ref:** E: 542460 N: 170136

**Applicant :** Mrs A Sharp

**Objections :** YES

### **Description of Development:**

Rooflight to rear and part one/ two storey front/ side extension.

Key designations:

Biggin Hill Safeguarding Birds  
Open Space Deficiency  
Smoke Control SCA 10

### **Proposal**

The proposal seeks permission to extend the house to the front and side, replacing the existing single storey side attached garage and providing a two storey extension in its place.

The proposal will have a forward projection of 3.0m at ground and first floor levels. The roof will be pitched with a maximum height of 6.0m (lower than the main roof of the house). The proposed first floor side extension will have a length of 5.0m along the side of the dwelling.

The proposal will provide a 0.8m side space to the flank boundary of the site at ground floor level and a 2.1m side space at first floor level. A rooflight is also proposed to the rear elevation of the main roof of the house.

Following the refusal of application ref. 17/02062, the current application has been amended to reduce the width of the first floor side extension in order to provide a first floor side space of 2.1m as opposed to the 1.2m previously proposed. The front projection of the extension at ground floor level has also been reduced from 3.8m to 3.0m.

### **Location and Key Constraints**

The site is located on the southern side of Yester Road and is not located within any specific land designation.

## **Comments From Local Residents**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

Support:

- One general supporting comment has been received.

Local Groups:

- The Sundridge Residents' Association has objected on the grounds that the two storey extension would break the established building line and would impact on local character.

A further letter has been received from the applicant in response to the Residents' Association comments, which supports the application and describes that the building line will not extend in advance of No. 12.

## **Comments from Consultees**

Highways – The garage is not being extended forward with this application so the parking area would be as the existing. There is parking on the frontage for 2 vehicles and no objection is raised to the application.

Tree Officer – no comments made.

## **Policy context**

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.in the NPPF, the greater the weight that may be given).

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

#### London Plan Policies

Policy 7.4      Local Character  
Policy 7.6      Architecture

#### Unitary Development Plan (2006)

BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space  
NE7 Development and Trees  
T3 Parking  
T18 Road Safety

#### Emerging Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 6 – Residential Extensions  
Draft Policy 8 – Side Space  
Draft Policy 30 – Parking  
Draft Policy 32 – Road Safety  
Draft Policy 37 – General Design of Development  
Draft Policy 73 – Development and Trees

## Supplementary Planning Guidance

SPG1 – General Design Principles  
SPG2 – Residential Design Guidance

### **Planning History**

Planning permission was refused under ref. 17/02062 for a two storey front/side extension. The refusal grounds were as follows:

‘The proposal does not comply with the Council's requirements for a suitable side space to be maintained to the flank boundary in respect to two storey development, in the absence of which the proposal would constitute a cramped development, harmful to the spatial character of the area and the street scene in general, contrary to Policies BE1, H8 and H9 of the Unitary Development Plan and Policies 6, 8 and 37 of the emerging Local Plan.

The proposal would result in a reduction in the car parking provision at the site that would result in possible protrusion of parked cars onto the footway and a potential increase in on-street parking demand, thereby contrary to Policy T18 of the Unitary Development Plan and Policy 32 of the emerging Local Plan.’

Retrospective planning permission was granted under ref. 13/01080 for a single storey rear extension.

### **Considerations**

The main issues relating to the application are:

- the effect that it would have on the character of the area
- the impact that it would have on the amenities of the occupants of surrounding residential properties.
- the impact on highway safety

### Impact on the Character of the Area

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.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies H8 and BE1 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. These policies are consistent with Draft Policies 6 and 37 of the draft Local Plan.

Policy H9 states that when considering applications for new residential development, including extensions, the Council will normally require a proposal of two or more storeys in height to retain a minimum 1 metre space from the side boundary of the site for the full height and length of the flank wall of the building. Where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties. This guidance is reflected in Policy 8 of the draft Local Plan.

Policy 7.4 of the London Plan seeks that buildings should provide a high quality design that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass and contributes positively to the character of the area. Consistent with this the National Planning Policy Framework (NPPF) states that new development should reflect the identity of local surroundings and add to the overall quality of the area.

The proposed extension will include a two storey side extension that would be constructed within 1m of the flank boundary of the site at ground floor level.

In this case H9 of the London Borough of Bromley's Unitary Development Plan (2006) (UDP) is relevant. This policy provides (*in part*):

*"When considering applications for new residential development, including extensions, the Council will normally require the following:*

*(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building;"*

This policy seeks to ensure *"that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas."*

It is noted that, the presence of the term '*normally*' in the body of UDP policy H9 strongly implies a need for discretion in the application of the policy, having regard to several factors including the characteristics of the site and its surroundings, the precise nature of the proposal and the objectives of the policy as set out in the explanatory text.

The proposed development will project 3.0m forward of the main house in a similar manner to the existing garage, and will have a first floor forward projection of the same amount. The extension will not project forward of the building line of No. 12 and therefore the appearance of the extended dwelling in the street scene would not be intrusive or detrimental to local character in this regard.

The proposed first floor side extension would result in a reduction in the side space that currently exists to the west of the host property, retaining the existing 0.8m side space at ground floor level where the garage is currently sited and reducing the side space at first floor level from 3.4m to 2.1m. However, the development would retain a generous side space at first floor level and it is not considered that the erosion of space between Nos. 12 and 14 at ground or first floor level would be harmful to the spaciousness and general character of this part of Yester Road. It is therefore considered that the spatial standards of the area would be respected and retained by the proposal.

Accordingly, it is considered that the proposed development would sit acceptably in its visual context without harming the character, appearance and spatial standards of the host property or its surroundings. The proposal is therefore considered to comply with Policies BE1, H8 and H9 of the Unitary Development Plan and Policies 6, 8 and 37 of the emerging Local Plan.

#### Impact on the Amenities of Neighbouring Properties

Policy BE1 of the UDP 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.

The proposed extension will be sited in close proximity to No. 12 Yester Road. This neighbouring house is a bungalow sited on higher ground with no flank facing windows. The relationship between the buildings is considered acceptable, with the first floor set away from the flank boundary of the site. The front/side extension would not create a significant loss of light, visual impact or privacy.

The extension will not project forward of the building line of No. 12, therefore there would not be a harmful impact on light entering or outlook from the front facing windows.

The proposed front extension will be sited with a separation of over 5m from the boundary with No. 16, therefore there is not considered to be a harmful impact on the amenities of this property.

The proposal is considered to comply with Policy BE1 of the Unitary Development Plan and Policy 37 of the draft Local Plan.

## Parking and Highway Safety

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The application is to convert the existing garage however the previous forward extension at ground floor level has been omitted, thereby retaining sufficient space on the drive to park 2 cars. This layout therefore satisfactory and no objections are raised in regards to highway safety.

The proposal is therefore complies with Policy T18 of the Unitary Development Plan and Policy 32 of the emerging Local Plan.

## CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has not completed the relevant form.

## **Conclusion**

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 harmful impact on the character of the area and would not impact detrimentally on the amenities of neighbouring residential occupiers. No impact on highway safety would result from the proposal. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 4 Before the development hereby permitted is first occupied, the proposed window(s) in the first floor flank elevation shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.**

- 5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the extension hereby permitted, without the prior approval in writing of the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.**

## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/04662/FULL6

**Ward:**  
Hayes And Coney Hall

**Address :** 30 Dartmouth Road Hayes Bromley BR2  
7NE

**OS Grid Ref:** E: 540234 N: 166801

**Applicant :** Mr & Mrs S. Ray

**Objections :** NO

### **Description of Development:**

Erection of first floor side extension and part first floor, part ground floor rear extension, including converting existing garage to study including introducing ground floor window on front elevation and changes to front porch.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 51

### **Proposal**

Proposal

Planning permission is sought for extensions comprising:

- First floor extension over existing garage and part of kitchen

The proposed first floor extension would be positioned above the existing ground floor development which lies 0.9m from the flank boundary. The proposed first floor flank wall would be slightly inset from the ground floor flank elevation below so as to achieve a 1m separation to the boundary with the neighbouring dwelling.

The extension would incorporate a hipped roof to complement the existing roof slope with a subservient ridgeline. The front elevation of the extension would be set back from the existing front elevation of the main host dwelling, and a pitched roof would be provided between the ground floor front existing projection and the first floor front elevation.

- Part one/two storey rear extension

At the rear it is proposed to erect (linked to the first floor side extension and existing ground floor) a part one/two storey extension which would have a 2 storey

depth of projection of approx. 3.3m approx. 3.7m from the party boundary. The single storey part of the extension would lie between the two storey element and the party boundary and would also have a rearward projection of approx. 3.3m. The applicant's agent has confirmed that there would be no encroachment over the boundary.

- Elevational alterations to the front of the garage and to the porch

The existing garage door to the front elevation would be replaced by a window. A porch canopy with a dual pitched roof is proposed.

The application was supported by the following document:

- o Design and Access Statement

The Design and Access Statement describes the site and surrounding area and provides a justification for the proposals, including reference to the planning history of the site and No. 28 Dartmouth Road.

### **Location and Key Constraints**

The application site comprises a semi-detached dwelling located within a rectangular plot of dimensions commensurate with the layout of residential sites in the area. The surrounding area is residential, characterised by semi-detached dwellings set within plots of quite uniform dimensions. The site lies on the western side of Dartmouth Road and the host dwelling adjoins No. 28. To the south lies the dwelling at No. 32.

The application site includes an existing single storey garage/extension at the side/rear which lies 0.9m from the boundary with No. 32 which has also been extended at ground floor level to the side and which has a large flat roofed two storey extension to the side rear.

The adjoining semi-detached dwelling at No. 28 has been extended over two storeys to the side and rear, with a single storey extension lying between the two storey rear extension and the party boundary with the application site.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and no representations were received.

### **Comments from Consultees (summarised)**

Highways - From a technical highways perspective the proposal would result in the loss of the existing garage leaving 2 off-street parking spaces. There are no highways objections to the proposal.

## Policy Context

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

### London Plan Policies

Policy 7.4 relates to Local Character and Policy 7.6 relates to Architecture.

### Unitary Development Plan

BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space

### Emerging Local Plan

Draft Policy 6 Residential extensions.  
Draft Policy 8 Side space

Draft Policy 37 General design of development.

### Supplementary Planning Guidance

Supplementary Planning Guidance 1 (General Design Principles)  
Supplementary Planning Guidance 2 (Residential Design Guidance)

### **Planning History**

85/00980      Single storey side extension                      Permission

### **Considerations**

The main issues to be considered in respect of this application are:

- Principle
- Design
- Highways
- Neighbouring amenity
- Sustainability

### Principle

The principle of side and first floor development in the street has been established by way of a number of similar extensions having been erected over many years. In assessing whether the proposal would be acceptable it falls to consider whether the proportions, siting, scale and design of the development would be acceptable in terms of the impact of the scheme on visual and residential amenity.

### Design

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not

undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping. London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies BE1 and H8 are relevant to this application. Policy H8 requires that the design including the scale, form and materials of construction should respect or complement the host dwelling, being compatible with development in the surrounding area. Policy BE1 states that development proposals will be expected to be of a high standard of design and layout and should be attractive to look at, complementing the scale, form, layout and materials of adjacent buildings and areas. Policy H9 is also relevant, stating that the Council will normally require a minimum of 1m side space from the side boundary of the site to be retained in the case of a proposal two or more storeys in height.

The proposed side/rear extension has been set down from the ridge of the main dwelling and back from the front elevation at first floor level. It therefore has a subservient appearance. The overall width would also be less than half the width of the main dwelling, which again adds to the subservient appearance of the extension.

The first floor element has been set back from the side boundary by 1m which accords with Policy H9. This separation is considered acceptable in this instance due to the semi-detached nature of the locality and subservient nature of the scheme.

The side addition would then wrap around the rear elevation. It would incorporate a pitched roof which maintains a similar pitch to neighbouring properties. Whilst it is acknowledged that the rearward projection of 3.3m does add some bulk to the scheme, the pitched nature of the roof lessens the overall mass. The proposal would generally be in keeping with design of the host dwelling and the proposal would not therefore appear incongruous in the context of local character. The single-storey extension would be located to the rear of the property and would not be visible from the public realm. In terms of the massing the extension is considered to be in proportion with the host dwelling and the overall design would not significantly harm the appearance of the property. The proposed facing materials would match the existing dwelling, which is considered to be sympathetic.

Elevational alterations would also be made to the front of the property. This includes the removal of an existing garage door and the installation of a replacement window. The proposed window would match the proportions of the existing fenestration and is considered an acceptable alteration that would not harm the appearance of the host dwelling. A number of other dwellings on this side of the street also a double fronted appearance as a consequence of similar elevational alterations.

It is acknowledged that the proposed first floor extension while complying with the minimum 1m side space required by Policy H9, would lie above an existing ground floor garage which lies approx. 0.9m from the boundary. It is not considered

however in the context of the visual amenities of the street scene and the spatial characteristics of the area that the modest shortfall in side space at ground floor level would result in a development detrimental to the spatial standards or visual amenities of the area.

The adjoining dwelling has a two storey side extension and visually the proposed extension would broadly replicate that existing example, resulting in a greater degree of symmetry between the semi-detached dwellings than exists at present. It is noted that the neighbouring extension did provide the full 1m side space, since that was a two storey side extension rather than a first floor extension above existing development as is proposed in this case.

Members are advised that planning permission was refused under reference 16/04364 for a development at No. 26 Dartmouth Road where the ground floor element extended to the boundary with the first floor maintaining a 1m space to the boundary. A subsequent appeal against the refusal of planning permission was allowed, with the Inspector noting that the proposal included a set back from the front elevation, a subservient roof design and the retention of 1m side space to the boundary at first floor level. The Inspector noticed the development being constructed at Nos. 20 and 22 Dartmouth Road where a similar relationship between two storey development and the outside boundaries of that pair of semi-detached houses was granted planning permission under refs. 15/04012 and 15/04013.

In this case the proposal would have a less cramped appearance than the extensions referred to above as a consequence of the increased side space at ground floor (0.9m) and the relationship with the single storey part of the side development at the neighbouring dwelling at No. 32 where the two storey flat roofed extension at that property is set at the very rear of the neighbouring flank elevation. It is therefore considered that while the ground floor existing element would provide 0.9m side space to the boundary, that this shortfall below the 1m standard that Policy H9 states would normally be required would not have a significant impact on the visual amenities of the area and would not result in an undue terracing effect on the street scene.

### Highways

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

While one parking space would be lost as a result of the conversion of the existing garage, there are no technical objections to the proposals and it is not considered

in view of the remaining off-street parking provision that the proposal would result in additional pressure on on-street parking demand.

### Neighbouring amenity

Policy BE1 of the UDP 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.

The flank elevation of the neighbouring dwelling does not include any clear glazed windows. The first floor rear projection of the proposed extension would relate to the windowless first floor side/rear extension at No. 32. It is not considered that the proposal would have a detrimental impact on the residential amenities of that dwelling, as a consequence of the siting of the extension in relation to the neighbouring development.

At the rear, the two storey projection would be separated from the boundary by approx. 3.6m which is considered satisfactory in the context of the depth of projection of 3.3m to limit the impact of the proposal on the outlook from the neighbouring dwelling and upon the amenity space at the rear of the house. The roof of this addition would also pitch away from this boundary. The setback, coupled with the roof design would not result in a intrusive form of development.

The single storey element of the proposal would relate to an existing single storey rear extension at the adjoining dwelling. While the application site lies to the south of the adjoining dwelling, taking into account the first floor separation to the boundary and the depth of the extension it is not considered that loss of daylight/sunlight would be significant.

The proposed fenestration would primarily face the front and rear of the property where there is already an established degree of overlooking. No significant loss of privacy or overlooking is therefore anticipated. One window is located within the flank elevation of the side extension; however this window would serve a bathroom and could therefore be obscured which would result in no loss of privacy.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

### Conclusion

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.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

- 4 Before the development hereby permitted is first occupied, the proposed window to the first floor southern flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.**

## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/04704/FULL1

**Ward:**  
**Bickley**

**Address :** Bickley Primary School Nightingale  
Lane Bromley BR1 2SQ

**OS Grid Ref:** E: 541350 N: 168971

**Applicant :** Mrs Joanna Hiscock

**Objections : NO**

### **Description of Development:**

Replacement of existing chain link fence to the west of the playing field with a 2.4m high inner boundary rigid mesh fence to the west of the playing field, set in from the western timber boundary enclosure.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 13  
Urban Open Space

### **Proposal**

Planning permission is sought for the replacement of the existing chain link fence to the western side of the school playing field.

The proposed replacement fence would be 2.4m high, of rigid mesh construction. It would be sited in from the existing (retained) timber outer boundary fence.

The fence would be of similar construction to existing inner boundary fencing within the school site.

### **Location**

The application site comprises a maintained primary school. The school building lies within a large site which includes an extensive open playing field. The playing field is bounded to the south by a raised railway line and to the west (of particular relevance to this application) by the rear accessways and gardens of dwellings fronting Bishops Avenue. The length of the boundary where the fence would be positioned backs onto rear vehicular accessway approached between Nos. 19 and 21 Bishops Avenue which then opens out and leads to rear garaging associated with a number of residential dwellings fronting the street.

The site is designated as Urban Open Space.

## **Consultations**

### Local Representations

Local residents were notified of the application. No comments were received in response to the local notification.

### Technical comments

There are no technical comments to report.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of development  
C7 Educational and preschool facilities  
G8 Urban Open Space

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The following draft policies are relevant to the determination of this application:

Policy 37 General Design of Development  
Policy 28 Educational Facilities  
Policy 55 Urban Open Space

The London Plan and National Planning Policy Framework are also key considerations in the determined of this application.

## **Planning History**

The site has an extensive planning history which relates to the use of the site as a primary school (formerly a secondary school). Recently, planning permission was granted under reference 15/03188 for the erection of a single storey modular building for a toilet block and sports store. Planning permission was granted under reference 14/01903 for the erection of a detached garage/storeroom to front of the school.

## **Conclusions**

The main planning considerations in the determination of this application are:

- Impact of the proposal on the visual amenities of the area
- Impact on Urban Open Space
- Impact of the proposal on residential amenity

### Impact on visual amenity

The proposed length of fencing would be sited set back from the main timber boundary fence which relates directly to the rear of adjacent residential property. It is sited on the periphery of the site and would be of a height and construction commensurate with existing inner fencing. While higher than a standard boundary treatment, in view of the use of the site and the need for enhanced security in relation to a potential unauthorised access point, the height and construction of the fencing would not appear incongruous or out of character.

In terms of the visibility of the fencing, its siting towards the edge of the site and in the context of existing fencing would result in the height and appearance of the fence having no significant impact on visual amenity. It would not be clearly visible from outside the site. From within the site it would only be appreciable at close quarters in view of its siting against a backdrop of boundary trees and planting and in the context of the existing and retained outer boundary fence.

### Impact on Urban Open Space

The proposal would not result in the enclosure of part of the Urban Open Space as a result of it replacing an existing stretch of chain link fencing. Its siting by the boundary of the extensive playing fields would be appropriate in the context of the open appearance of the designated land. The provision of the improved fencing is considered appropriate in order to provide a greater degree of security to the site and the replacement section of fencing is related to a potential 'weak point' in site security associated with the accessway to the rear of the adjacent properties.

The fencing would be related to the existing use of the site, is small scale and would not unduly impair the open nature of the site.

### Impact of the proposal on residential amenity

The proposed fencing would exceed the height of a standard boundary fence but in view of the separation between the fence and the outer boundary treatment and to neighbouring residential gardens and dwellings it is not considered that the proposal would have a significant impact on residential amenity.

### Summary

The proposal would not have a detrimental impact on the open nature of the site. It would be of limited visibility as a consequence of its siting and the existing/retained boundary screening. The replacement of the existing fencing would improve the security of the school site to which it relates and the proposal would be of similar construction and height to existing fencing elsewhere on the site.

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 The materials to be used for the fencing hereby granted planning permission shall be as set out in the planning application forms and/or drawings unless otherwise agreed in writing by the Local Planning Authority.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the fence, the impact on the area of Urban Open Space and the visual amenities of the area.**

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**Reason: In the interest of the visual amenities of the area and to accord with Policy BE1 of the Unitary Development Plan.**

## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/04773/FULL6

**Ward:**  
**Bromley Common And**  
**Keston**

**Address :** 98 Lower Gravel Road Bromley BR2 8LJ

**OS Grid Ref:** E: 542775 N: 166292

**Applicant :** Mr Johnathan (Tyber) Cranstoun

**Objections :** YES

### **Description of Development:**

Roof alterations to accommodate a new bedroom and wash room. Alterations include increase ridge height, new rear dormer and roof lights.

Key designations:

Biggin Hill Safeguarding Birds  
Smoke Control SCA 22

### **Proposal**

Planning permission is sought for roof alterations to accommodate a new bedroom and wash room. Alterations include an increased ridge height, new rear dormer and roof lights.

The proposal would result in the ridge of the roof being raised from max 2m to max 3.2m. The rear dormer is shown with 2 windows in the rear elevation.

### **Location and Key Constraints**

The application dwelling is a detached house that sits on the Southern side of Lower Gravel Road.

The site does not lie within a conservation area and is not a Listed Building.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

#### **Objections**

- The proposal would have an unacceptable impact on No.100 and No.96 in terms of loss of light and intrusion of privacy.
- The increased height would dwarf No.100
- There will be no side access for the scaffolding to go up.

- The property is overdeveloped and not in keeping with the rest of the street.
- The proposal would tower over opposite dwellings and reduce their sunlight.

#### Support

- The proposal should be allowed.
- Other houses have been allowed to have roof extensions
- The proposal would not affect the look of the street.

#### Policy Context

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.in the NPPF, the greater the weight that may be given).

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

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

#### London Plan Policies

7.4 Local character

7.6 Architecture

#### Unitary Development Plan

H8 Residential extensions  
BE1 Design of new development

### Draft Local Plan

6 Residential Extensions  
37 General Design of Development

### Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance

### **Planning History**

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

02/00482/FULL1 - Increase height of roof and install front and rear dormers.  
Refused.

17/02004/FULL6 - Roof alterations to include increase in ridge height, rear dormer and roof lights, and insertion of first floor balcony at rear. Refused

### **Considerations**

The main issues to be considered in respect of this application are: (delete or add as applicable)

- Resubmission
- Design
- Neighbouring amenity
- CIL

### Resubmission

Planning permission was previously refused and dismissed at appeal under application reference 02/00482/FULL1. The Inspector considered the dwelling to be a house of pleasing proportions with Georgian-style windows and a low hipped roof. He stated that the dwelling is rather different in appearance from the other, more typically suburban, houses in the vicinity and has a significantly higher ridge than no. 100, the immediately adjoining house to the east.

The proposal was for the reconstruction of the roof and raising its pitch to approx. 45 degrees and the formation of a dormer to the rear to provide additional accommodation within the roof.

The Inspector concluded that the proposed development would have an adverse effect on the character and appearance of the area and be in conflict with planning policy.

More recently, permission was refused under application 17/02004/FULL6 for a similar proposal. However it showed a greater ridge height (3.6m compared with the current 3.2m), which also resulted in a steeper angled roof, and also included a discordant and incongruous design feature to the rear. It is of note that a small dormer already exists in the rear roof slope.

The current proposal shows a reduction in the maximum ridge height which would also reduce the angle of the roof pitch. It also shows a smaller dormer (3.5m in width compared with 4m) with standard fenestration rather than the incongruous first floor patio doors shown previously.

### Design

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.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policy H8 of the UDP states that the design and layout of proposals for the alteration or enlargement of residential properties will be required to (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area. This is reiterated in draft UDP policy 6.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

It was considered previously that the increase in ridge height would spoil the proportions of the existing house, making it appear top-heavy. The house, with its much larger roof, would appear over-dominant in the street scene and, in particular, would loom over no. 100. The shape of the large rear dormer and the small misplaced windows within it would appear out of proportion with the

proposed roof slope and rear fenestration, would appear as a disharmonious addition to the dwelling, and add to the visual harm caused by the enlarged roof. In addition, the proposed rear patio doors at first floor level would appear as an incongruous feature owing to their overlap with the eaves of the main roof and would cause further visual harm to the appearance of the rear elevation of the rear of the dwelling.

In comparison with the recently refused scheme, the ridge of the roof has been reduced which also reduces the pitch of the roof slope. Although it would still be 1.2m higher than existing, the combination of the reduced pitch and reduction in height (compared with that considered previously) would largely address the previous concern about the resultant appearance of the roof within the streetscene. In light of the previous appeal decision, extensive consideration has been given to the relative heights of the application dwelling and the neighbouring dwellings. The current proposed increase in height of the roof would not appear as top heavy and would not have a significant enough impact on the overall appearance of the dwelling, or its appearance within the context of the neighbouring dwellings to warrant its refusal. It would appear as higher than No.100 but this is not considered to be so excessive to justify refusal. The overall expression of the roof would appear proportionate to the house and, taking account of the existing differences between the application site and neighbouring buildings, would not have an adverse impact on the character of the surrounding area.

The undesirable fenestration as shown in the refused scheme has been removed from the current proposal, and the dormer is shown with standard windows as would be expected within such a setting. This element of the proposal is considered unobjectionable and would not be out of keeping within its residential context.

### Neighbouring amenity

Policy BE1 of the UDP 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.

As previously considered, due to the orientation of the building, with the gardens facing South / south-west, and the slope of the roof away from neighbouring occupiers, the increase in height would not have a significant additional detrimental impact on sunlight reaching the gardens of neighbouring occupiers or neighbouring dwellings.

The side rooflights would face at an upwards diagonal angle to either side of the house, and as such would have no detrimental impact on neighbouring amenity.

The windows within the dormer, would only replicate existing fenestration in the rear of the dwelling, and as such would have no addition overlooking impact.

The previously proposed balcony has been removed.

## CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

## Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not result in a significant loss of amenity to local residents or impact detrimentally on the character of the area or the existing dwelling.

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.

It is recommended that permission be granted.

## **RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

**1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**REASON: Section 91, Town and Country Planning Act 1990.**

**2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.**

**3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

## **Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 17/02751/FULL1

**Ward:**  
Copers Cope

**Address :** 210 High Street Beckenham BR3 1EN

**OS Grid Ref:** E: 537219 N: 169368

**Applicant :** Mr Sayed Sadat

**Objections :** YES

### **Description of Development:**

Introduction of seating to the first floor of the property and change of use of first floor to function room / additional restaurant seating in connection with the use of the ground floor as a restaurant and insertion of external door to first floor in rear elevation

### **Key designations:**

Conservation Area: Beckenham Town Centre  
Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Primary Shopping Frontage  
Smoke Control SCA 12

### **Proposal**

Retrospective planning permission is sought for the introduction of seating to the first floor of the property and change of use of first floor to function room / additional restaurant seating in connection with the use of the ground floor as a restaurant and insertion of external door to the first floor rear elevation.

The application is accompanied by a Planning Statement. The premises are located on the northern side of High Street, Beckenham. The property also lies in the Beckenham Town Centre Conservation Area.

### **Consultations**

Nearby owners/occupiers were notified of the application and a number of representations were received which can be summarised as follows:

- Because the seating is on the first floor, the sound coming from it is easily projected towards the gardens and the rear of the residential properties in The Drive. The problem is exacerbated by the fact that there seems to have been no attempt to provide sound proofing from the building. The windows at the rear appear to be original single glazed ones and there is nothing blocking the sound towards the residential properties.

- On the plans, there is a door which leads out onto what looks like a first floor terrace. The terrace has yet to be installed, this would make the existing noise problem worse.
- Our gardens and rooms at the back of the house had been peaceful until the restaurant came along.
- Not expected one of the shops in this parade to become akin to a nightclub.
- The applicant has never shown any regard in preserving residential amenity.
- The noise generated impacts on neighbouring houses.
- No amount of noise mitigation measures can be put in place to remove the noise disturbance.
- From our rear garden with the rear windows open it is impossible not to hear the patrons and music emanating from 210.
- If the venue did operate as restaurant akin to Pizza Express then I would not expect such persistent late and loud noise.
- The terrace area at the back of the property is not a sound structure and a fire risk.
- The area at the back of the property is not suitable for the disposal of waste
- Despite having noise limiters on the PA system the music is still loud throughout the weekend.

### **Consultee comments**

Highways - The site appears to have a history of refusals for the change of use to a restaurant. The current application for retrospective permission for such change has yet to be determined and appears to include seating on the first floor as per this application.

The site location has a PTAL rating of 5 (high) and lies within the Beckenham CPZ where no waiting at any time restrictions apply together with some pay and display parking bays nearby.

The site enjoys rear access from The Drive which would facilitate some operational parking and servicing.

There are no objections to this proposal from the highway point of view.

Please apply [standard conditions] to any permission

TfL - no objections

Conservation Officer - no comment

APCA - no comment

Designing out Crime Officer - no comment

Licensing - no comment

Environmental Health - I have considered the details for the above application with particular reference to the applicant's design and access statement (DP/3071PP) section 10 which concludes:

'The first floor seating area is enclosed by solid walls and as such, there will be no impact on the amenities of neighbouring occupiers.'

Whilst the above reports there will be no impact on the amenities of neighbouring properties the Environmental Health Department is in receipt of complaint from a neighbouring business in respect of their upstairs private offices and noise break out from the use of the first floor at 210.

The Department is also in receipt of a number of complaints from residents in The Drive in respect of amplified music from the use of the first floor. Whilst the above reports the seating area is enclosed by solid walls, the flank wall overlooking residential properties in The Drive, contains a number of openings.

In the absence of any form of acoustic assessment regards the impact of the proposals upon neighbouring commercial and residential properties I am unable to determine if there would be an unacceptable loss of amenity and therefore recommend the application is refused.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE11 Conservation Areas
- ER9 Ventilation
- S1 District Centres
- S9 Food and Drink Premises
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance 1 - General Design Principles

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. Relevant draft Local Plan policies include:

- Draft Policy 30 Parking
- Draft Policy 32 Road Safety
- Draft Policy 37 General Design of Development
- Draft Policy 41 Conservation Areas
- Draft Policy 94 District Centres
- Draft Policy 98 Restaurants, Pubs & Hot Food Takeaways

London Plan

7.4 Local Character

7.5 Public Realm

7.15 Reducing noise and enhancing soundscapes

4.7 Retail and town centre development

4.8 Supporting a successful and diverse retail sector and related facilities and services

The NPPF is also a material consideration in the determination of the application.

### **Planning History**

Under planning application reference: 17/02753 /FULL1 planning permission is currently pending consideration for planning permission is currently pending consideration for retrospective application for the continued use of the property as a restaurant (Use Class A3) with installation of an extraction system

Under planning application reference: 17/02754/FULL1 planning permission is currently pending consideration for retrospective application for the installation of a new shopfront

Under planning application reference: 17/02755/FULL1 planning permission is currently pending consideration for retrospective application for introduction of external ancillary seating to the rear of the property to be used for the consumption of hot food. New fencing to rear and retractable canvas awning to be installed over part of the external area.

Under planning application reference: 16/ 05191/FULL1 planning permission was refused for installation of kitchen extraction hood and installation of external ducting to rear.

The application was refused for the following reason:-

1. *The revised plans do not show sufficient detail to meet the required technical standards for ventilation requirements as required by DEFRA and could potentially lead to the discharge of cooking odours and smells that could give rise to nuisance for neighbouring residents contrary to policy BE1, ER9 and S9 of the Unitary Development Plan & Policy 7.15 of the London Plan.*

On the 30th November 2016 the applicant wrote to the Council notifying his intention to change the use of the premises from a shop (Use Class A1) to a restaurant (Use Class A3) for a temporary 2yr period under Part 4, Class D of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Under planning application reference: 16/04189/CUTA prior approval was refused change of use application from shop Class A1 (retail) to Class A3 (restaurant) (56

day application in respect of noise, odour, waste, opening hours, highways, service provision, sustainability and appearance under Class C Part 3 of the GPDO. The prior approval application was refused for the following reasons:-

- 1. The proposed ventilation is unsatisfactory as it provides no odour abatement and in the absence of evidence to suggest the contrary, would adversely impact residential amenity by virtue of noise. The extent of the proposed opening hours would exacerbate noise within the site by virtue of transient pedestrian and vehicle movements within close proximity to neighbouring dwellings contrary to policy BE1 and S9 of the Unitary Development Plan, Policy 7.15 of The London Plan and the Mayors SPG Housing (2012).*
- 2. The applicant has failed to provide sufficient information in respect of refuse and waste management and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of refuse, contrary to saved policy BE1 and S9.*
- 3. The proposed siting and location of the ventilation ductwork is considered incongruous, prominent and unsightly when viewed from the rear of 210 High Street contrary to policy BE1 of the Unitary Development Plan.*
- 4. The proposed Class A3 is not considered to contribute to the vitality or range of local services within the shopping parade and in the absence of information to demonstrate otherwise, the loss of the A1 unit would have a detrimental impact upon the vitality of the shopping parade given the extent of neighbouring A3/A5 uses and the loss of a viable retail unit contrary to policy S5 of the Unitary Development Plan.*

Under planning application reference: 15/01492 planning permission was refused for a two storey rear extension to provide an enlarged retail unit, 1 x 1 bedroom flat, 1 x 2 bedroom flat and change of use of existing first floor from retail to residential. The application was refused for the following reasons:-

- 1 The proposal constitutes a overdevelopment of the site and if permitted would establish an undesirable pattern for similar residential infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policy H7 and BE1 of the Unitary Development Plan..*
- 2 The proposed windows within the bedrooms of both flats do not provide a reasonable view or outlook and would be harmful to the amenities of future occupiers contrary to Policies H7 and BE1 of the Unitary Development Plan.*
- 3 The provision of a balcony overhanging the ground floor extension would give rise to undesirable overlooking of the rear gardens located on The Drive and would not provide a desirable outlook for future occupiers overlooking an alleyway, contrary to Policy BE1 and Policy H12 of the Unitary Development Plan.*

- 4 *The proposed development could potentially result in the increase of on-street parking and intensify the use of parking in Beckenham High Street and The Drive and in the absence of an appropriate parking survey to suggest otherwise, the proposal would be likely to give rise to an undesirable increase of on-street parking in nearby roads, and would also lead to conditions prejudicial to the free flow and general safety of traffic along these roads contrary to Policies T2, T3 and T18 of the Unitary Development Plan*

The above mentioned application (15/01492/FULL1) was allowed on appeal on 31st December 2015.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character and appearance of the conservation area, the impact that it would have on the amenities of local residents

### Background

The premises changed from a Retail Unit (Use Class A1) to a Restaurant (Use Class A3) in November 2016 under a temporary 2 year consent. The applicant has until November 2018 before the temporary consent comes to an end and he would need to apply to the Council to regularise this. The applicant has chosen to bring forward this process and this application seeks full planning permission to operate the premises as a restaurant with extraction system.

The applicant is seeking to use the first floor of the restaurant for additional seating and / a function room to be used in connection with the use of the ground floor as a restaurant. A staircase connects the ground and first floors. The Design & Access statement states that the purpose of the upstairs seating is to provide an additional seating for customers during busy periods. Marketing material obtained by the Council shows photos and information illustrating that the use of the first floor can also be used for private hire and functions. The applicant's agent has confirmed that the application is for seating / function room.

### Impact on the character and appearance of the Conservation Area

Policy BE1 also seeks to ensure that new development proposals, respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing.

Policy BE11 seeks for all new developments within a conservation area, to preserve or enhance the character or appearance of the conservation area in terms of its scale, design and materials.

The application property is a two storey commercial premises situated on a deep plot extending to an unmade service lane to the rear. It lies within a row of similar

properties in a District Shopping Centre which extends along the High Street in both directions and northwards to Beckenham Junction Station. The whole centre is designated as the Beckenham Town Centre Conservation Area which is predominantly characterised by busy shopping and other commercial activity at street level with some residential accommodation contained on upper floors.

The proposed change of use of the property to a restaurant does not have a significant impact on the character and appearance of the Conservation Area given the High Street contains many eating establishments.

### Principle of use

The upstairs seating area of the restaurant currently has two sets of single glazed windows to the front and rear elevations. The proposed floorplans show that one of the windows to the rear elevation is to be changed to a door. The door would lead out to a terrace area which overlooks the retractable canvas canopy on the ground floor outdoor seating area. It is stated that this is for fire escape purposes.

The proposed change of use of the first floor does depend on planning permission existing for the ground floor to which it would be linked. Should permanent permission not be granted for the use of the ground floor as a restaurant and permission were to be recommended, this could be conditioned to expire once the temporary permission for the ground floor expires in December 2018.

However, there are significant concerns about the proposed use of the first floor around the possibility of noise emanating from the first floor windows / door towards the residential properties located in The Drive.

Additionally the proposed external door would allow overlooking from the terrace area into the rear gardens of residents in The Drive. The use of the flat roof which could be used by customers would not only cause additional noise for residents in The Drive but would also be highly unacceptable from a health and safety perspective in the event that there would be no safeguard in place to stop persons falling onto the retractable canvas canopy below. It would be difficult to enforce a planning condition preventing the use of this door once permitted.

### Noise/Impact to neighbouring residents

A number of objections have been received from neighbours who live in The Drive. All have complained about the noise emanating from the property, in particular the first floor. Many residents sleep in the back bedrooms of their properties and have complained of problems sleeping at night and being unable to enjoy their gardens during the summer months because of the noise emanating from the premises. Several local residents have contacted the Council's Environmental Health Departments and have been visited by Officers who have carried out noise surveys.

A noise limiter was fitted at the premises to ensure that amplified noise was kept to a restaurant standard, however objections continue to be received. In addition a late objection has been received from the branch manager of Santander Bank (neighbouring property) objecting to the noise coming from the premises at 11 o'clock in the morning which has been causing disturbance to customers using the bank.

The Environmental Health Officer has raised objections to the use. In the absence of any form of acoustic assessment regards the impact of the proposals upon neighbouring commercial and residential properties the Environmental Health Officer is unable to determine if there would be an unacceptable loss of amenity and therefore recommend the application is refused.

It is considered that the proposed first floor seating area increases capacity at the premises and facilitates the playing of loud music which is transferable to residents who previously enjoyed a quieter more tranquil experience when going to bed at night and in the enjoyment of their gardens prior to the opening of 210 High Street as a restaurant. The proposal would permit the expansion of an already problematic use and it would be difficult to enforce suitable controls were this to be permitted.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02751/FULL1, 17/02753/FULL1, 17/02754/FULL1 & 17/02755/FULL1, 16/05191/FULL1, 16/04189/CUTA, & 15/01492/FULL1, set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The first floor seating area would be an over intensification of the use, and would be detrimental to the amenities of residential properties in the vicinity of Beckenham High Street, contrary to Policies BE1 & S9 of the Unitary Development Plan, Policy 37 & 98 of the Emerging Local Plan and Policy 7.15 of the London Plan.**
- 2 The proposed first floor roof terrace as indicated on the plans, would be detrimental to the amenities of neighbouring properties in terms of noise and disturbance and overlooking, contrary to Policies BE1 & S9 of the UDP and Draft Polices 37 & 98 of the Emerging Local Plan & Policy 7.15 of the London Plan.**
- 3 In the absence of planning permission for the permanent change of use of the ground floor of the premises to a restaurant, it would be premature to grant permission for an associated extended seating area / function room in connection with that use.**

## **Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 17/02753/FULL1

**Ward:**  
Copers Cope

**Address :** 210 High Street Beckenham BR3 1EN

**OS Grid Ref:** E: 537219 N: 169368

**Applicant :** Mr Sayed Sadat

**Objections :** YES

### **Description of Development:**

Retrospective application for the continued use of the property as a restaurant with the installation of an extraction system.

#### Key designations:

Conservation Area: Beckenham Town Centre  
Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Primary Shopping Frontage  
Smoke Control SCA 12

### **Proposal**

Retrospective application for the continued use of the property as a restaurant with the installation of an extraction system.

The applicant is seeking to obtain full permanent planning permission to use the premises as a restaurant with retrospective permission for the extraction system. The plans show the ground floor to be used as seating area with kitchen, seating in the rear yard, and seating / function room at first floor.

This application, as set out in the application form, is only for a change of use and not for any operational development and such development including the new external rear door at first floor level and the retractable canopy over the rear yard are subject of separate applications, and should permission be granted this could be made clear via a planning condition limiting the permission to the development applied for.

The application is accompanied by a Design & Access Statement and a Ventilation Acoustic Report.

## **Location**

The application site lies on the north-western side of Beckenham High Street within a row of commercial units on the ground floor, some of which have residential accommodation above. The site lies within the Beckenham Conservation Area and is designated a Primary Shopping Frontage.

## **Consultations**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- The description of the premises in the planning statement is misleading. The primary use of the premises, contrary to what is stated it is a bar and shisha smoking establishment aimed at youngsters.
- The restaurant is not open from 07:00 - 00:30hrs. I have never seen anyone eating there at lunchtime.
- Beckenham does not need any more licensed premises.
- Eating at 210 High St is ancillary to the main activities of drinking alcohol and smoking shisha pipes.
- One of the fundamental problems with 210 is that contrary to all the other established businesses that back onto The Drive, the main focus of their operations has been moved from the front of the property on the High Street to the rear.
- Due to the nature of the business the resultant noise created and suffered by the residents is unacceptable.
- Never expected one of the shops, along this section of the High St to become a licensed premises akin to a nightclub.
- Since the development at 210 can no longer enjoy the peace and quiet sitting in our garden.
- At night forced to wear earplugs.
- The applicant has made no effort in preserving the amenity of nearby residents.
- We have had to call the Council's Noise Disturbance Teams on a handful of occasions. The most noticeable times are Friday and Saturdays nights, summer evenings and noteworthy dates. The event held on New Year's Eve included setting off fireworks from the rear of the premises.
- No amount of mitigation measures can remove the noise nuisance.
- The application seems to be a cynical attempt to get a licence that will allow it to act as a bar.

## **Consultee comments**

Environmental Health:

In respect of any continued use of the property as a restaurant my objections remain as detailed for application Nos 17/02751/FULL1 and 17/02755/FULL1.

In respect of the above application and the extractor fan I note the application makes reference to DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (2005). This Guidance was withdrawn in September 2017. Further the accompanying acoustic report, dated 21st August 2017, refers to the superseded standard BS 8233: 1999 not BS 8233:2014. However in respect of the extract fan I suggest this matter is dealt by condition namely:

1. At any time the combined plant and machinery specific noise level, from all fixed plant at this site, in terms of dB(A) shall be 10 decibels below the relevant background noise level L90 at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology BS 4142:2014. The plant-specific noise level should be expressed as LAeqTm, and shall be representative of the plant operating at its maximum.
2. Detailed plans of the technical specification of the ductwork and equipment comprising the kitchen extraction system (which shall include measures to alleviate fumes and odours and incorporating activated carbon filters) shall be submitted to the Local Planning Authority for approval; after the system has been approved in writing by or on behalf of the Authority, it shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently maintained in an efficient working manner.

Environmental Health comments for application 17/02755/FULL1 for the use of the rear outside area also apply to this proposal and are as follows:

"In respect of the information supplied I note there are no other external seating areas serving restaurants in the vicinity of 210. As such the soundscape, as defined by BS ISO 12913-1:2014, prior to the introduction of the seating would have been perceived as quiet and tranquil by residents in the 210 environs.

Noise Policy Statement for England (210) states:

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development;

\* Where possible, contribute to the improvement of health and quality of life.

Furthermore the National Planning Policy Framework (2012) goes on state at paragraph 123:

Planning policies and decisions should aim to:

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Whilst there are no precise rules, for an area to be protected for its tranquillity it is likely to be relatively undisturbed by noise from human caused sources that undermine the intrinsic character of the area i.e. the conditions which existed before the introduction of the external seating area at 210. The introduction of the external seating area at 210 has diluted the amenity value of the area in terms of tranquillity leading to an unacceptable loss of amenity of the 210 environs.

I note the external area at 210 is enclosed by a structure comprising of deck boards mounted horizontally with larger gaps in between. As such the current arrangement offers no acoustic attenuation to noise arising from within the rear seating area from both patrons and amplified music for the neighbouring property whose noise sensitive curtilage is less than 5 metres away.

The position is exacerbated by the use of a canopy to enclose the area leading to an intensification of use, the consumption of alcohol which influences the noise level produced by patrons and the use of background noise, which in accordance with the Lombard effect, leads to an involuntary tendency of patrons to increase their vocal effort when speaking in loud noise to enhance the audibility of their voice.

It is unsurprising the Environmental Health Department is in receipt of a number of complaints from residents in The Drive in respect of both amplified music and noise from patrons. This has culminated in the service of an Abatement Notice under the provisions of the Environmental Protection Act 1990 in respect of amplified music.

In the absence of any acoustic assessment I am unable to determine if the proposals would not lead to an unacceptable loss of amenity and therefore recommend the application is refused on such grounds."

Environmental Health comments for application 17/02751/FULL1 for the use of the first floor also apply to this proposal and are as follows:

"I have considered the details for the above application with particular reference to the applicant's design and access statement (DP/3071PP) section 10 which concludes:

'The first floor seating area is enclosed by solid walls and as such, there will be no impact on the amenities of neighbouring occupiers.'

Whilst the above reports there will be no impact on the amenities of neighbouring properties the Environmental Health Department is in receipt of complaint from a neighbouring business in respect of their upstairs private offices and noise break out from the use of the first floor at 210.

The Department is also in receipt of a number of complaints from residents in The Drive in respect of amplified music from the use of the first floor. Whilst the above reports the seating area is enclosed by solid walls, the flank wall overlooking residential properties in The Drive, contains a number of openings.

In the absence of any form of acoustic assessment regards the impact of the proposals upon neighbouring commercial and residential properties I am unable to determine if there would be an unacceptable loss of amenity and therefore recommend the application is refused."

Conservation Officer - no comments

APCA - no comment

Highways - no objection

TfL - no objections

Designing out Crime Officer - no comment

Drainage - no comment

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE11 Conservation Areas
- ER9 Ventilation
- S1 District Centres
- S9 Food and Drink Premises
- T3 Parking
- T18 Road Safety

### Supplementary Planning Guidance 1 - General Design Principles

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances."

- Draft Policy 30 Parking
- Draft Policy 32 Road Safety
- Draft Policy 37 General Design of Development
- Draft Policy 41 Conservation Areas
- Draft Policy 94 District Centres
- Draft Policy 98 Restaurants, Pubs & Hot Food Takeaways

### London Plan

- 7.4 Local Character
- 7.5 Public Realm

4.7 Retail and town centre development

4.8 Supporting a successful and diverse retail sector and related facilities and services

The NPPF is also a material consideration in the determination of the application.

### **Planning History**

Under planning application reference: 17/02751/FULL1 planning permission is currently pending consideration for Introduction of seating to the first floor of the property and change of use of first floor to function room / additional restaurant seating in connection with the use of the ground floor as a restaurant and insertion of external door to first floor in rear elevation.

Under planning application reference: 17/02754/FULL1 planning permission is currently pending consideration for the retrospective installation of a new shopfront.

Under planning application reference: 17/02755/FULL1 planning permission is currently pending consideration for retrospective "Introduction of external ancillary seating to the rear of the property to be used for the consumption of hot food. New fencing to rear and retractable canvas awning to be installed over part of the external area."

Under planning application reference: 16/ 05191/FULL1 planning permission was refused for installation of kitchen extraction hood and installation of external ducting to rear for the following reason:-

1. *The revised plans do not show sufficient detail to meet the required technical standards for ventilation requirements as required by DEFRA and could potentially lead to the discharge of cooking odours and smells that could give rise to nuisance for neighbouring residents contrary to policy BE1, ER9 and S9 of the Unitary Development Plan & Policy 7.15 of the London Plan.*

On the 30th November 2016 the applicant wrote to the Council notifying his intention to change the use of the premises from a shop (Use Class A1) to a restaurant (Use Class A3) for a temporary 2yr period under Part 4, Class D of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Under planning application reference: 16/04189/CUTA prior approval was refused change of use application from shop Class A1 (retail) to Class A3 (restaurant) (56 day application in respect of noise, odour, waste, opening hours, highways, service provision, sustainability and appearance under Class C Part 3 of the GPDO. The prior approval application was refused for the following reasons:-

1. *The proposed ventilation is unsatisfactory as it provides no odour abatement and in the absence of evidence to suggest the contrary, would adversely*

*impact residential amenity by virtue of noise. The extent of the proposed opening hours would exacerbate noise within the site by virtue of transient pedestrian and vehicle movements within close proximity to neighbouring dwellings contrary to policy BE1 and S9 of the Unitary Development Plan, Policy 7.15 of The London Plan and the Mayors SPG Housing (2012).*

2. *The applicant has failed to provide sufficient information in respect of refuse and waste management and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of refuse, contrary to saved policy BE1 and S9.*
3. *The proposed siting and location of the ventilation ductwork is considered incongruous, prominent and unsightly when viewed from the rear of 210 High Street contrary to policy BE1 of the Unitary Development Plan.*
4. *The proposed Class A3 is not considered to contribute to the vitality or range of local services within the shopping parade and in the absence of information to demonstrate otherwise, the loss of the A1 unit would have a detrimental impact upon the vitality of the shopping parade given the extent of neighbouring A3/A5 uses and the loss of a viable retail unit contrary to policy S5 of the Unitary Development Plan.*

Under planning application reference: 15/01492 planning permission was refused for a two storey rear extension to provide an enlarged retail unit, 1 x 1 bedroom flat, 1 x 2 bedroom flat and change of use of existing first floor from retail to residential. The application was refused for the following reasons:-

- 1 *The proposal constitutes a overdevelopment of the site and if permitted would establish an undesirable pattern for similar residential infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policy H7 and BE1 of the Unitary Development Plan.*
- 2 *The proposed windows within the bedrooms of both flats do not provide a reasonable view or outlook and would be harmful to the amenities of future occupiers contrary to Policies H7 and BE1 of the Unitary Development Plan.*
- 3 *The provision of a balcony overhanging the ground floor extension would give rise to undesirable overlooking of the rear gardens located on The Drive and would not provide a desirable outlook for future occupiers overlooking an alleyway, contrary to Policy BE1 and Policy H12 of the Unitary Development Plan.*
- 4 *The proposed development could potentially result in the increase of on-street parking and intensify the use of parking in Beckenham High Street and The Drive and in the absence of an appropriate parking survey to suggest otherwise, the proposal would be likely to give rise to an undesirable increase of on-street parking in nearby roads, and would also lead to conditions prejudicial to the free flow and general safety of traffic*

*along these roads contrary to Policies T2, T3 and T18 of the Unitary Development Plan.*

The above mentioned application (15/01492/FULL1) was allowed on appeal on 31st December 2015.

## **Conclusions**

### Background

The premises changed from a Retail Unit (Use Class A1) to a Restaurant (Use Class A3) in November 2016 under a temporary 2 year consent. The applicant has until November 2018 before the temporary consent comes to an end and he would need to apply to the Council to regularise this. The applicant has chosen to bring forward this process and this application seeks full planning permission to operate the premises as a restaurant with extraction system.

### Impact upon Conservation Area

Policy BE1 also seeks to ensure that new development proposals, respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing.

Policy BE11 seeks for all new developments within a conservation area, to preserve or enhance the character or appearance of the conservation area in terms of its scale, design and materials.

The application property is a two storey shop situated on a deep plot extending to an unmade service lane to the rear. It lies within a row of similar properties in a District Shopping Centre which extends along the High Street in both directions and northwards to Beckenham Junction Station. The whole centre is designated within the Beckenham Town Centre Conservation Area which is predominantly characterised by busy shopping and other commercial activity at street level with some residential accommodation contained on upper floors.

The proposed change of use of the property to a restaurant does not have a significant impact on the character and appearance of the Conservation Area given the High Street contains many eating establishments.

### Principle of the use

As the lawful use of the premises will default to retail once the current temporary 'permitted development' change of use expires in December 2018, it is reasonable to consider this application on the basis that the long term lawful use of the ground floor is for retail.

Policy BE1 seeks a high standard of development and amongst other requirements, seeks to ensure that the amenities of nearby properties are protected.

Policy S1 of the UDP (Primary Frontages) advises that in Primary retail frontages, the Council will permit changes of use from retail (Class A1) to other uses where the proposal would:

- (i) not harm the retail character of the shopping frontage;
- (ii) generate significant pedestrian visits during shopping hours
- (iii) complement the shopping function of the town centre;
- (iv) not create a concentration of similar uses; and
- (v) have no adverse impact on residential amenity.

Proposals for a Class A3, A4 or A5 use will have to comply with Policy S9.

Policy S9 of the UDP (Food & Drink Premises) only permits proposals for restaurants and cafes (Class A3) where:

- (i) the proposal would have no adverse impact on residential amenity
- (ii) the proposal would not cause undue traffic congestion or be detrimental to the safety of other road users and pedestrians
- (iii) the proposal would not result in an over concentration of food and drink establishments, out of character with the retailing function of the area; and
- (iv) where appropriate, the proposal does not conflict with Policies S1, S2, S4 or S5.

With regard to Policies S1 and S9, there remain a good number of retail units in this part of Beckenham Town Centre, and there is not a concentration of restaurant uses in this particular area, therefore the proposal would comply with S1(i) and (iv).

However the restaurant use is primarily an evening operation which would not generate significant pedestrian visits during shopping hours or complement the shopping function of the town centre. The proposal would therefore not comply with S1(ii) or (iii). There are already a significant number of restaurants in Beckenham Town Centre which provide an evening economy to the town centre.

The planning application forms set out the proposed hours of opening as between 7am and 12:30am.

#### *Impact to neighbouring amenity*

Around 10-15 letters of objection have been received from local residents. A summary of their comments are outlined above in the consultation section. Full copies of the letters of representation can be found on the file.

The outdoor seating area in particular is likely to cause the greatest level of noise which has potential to disturb neighbours. The outdoor area is bounded by high panel fencing and is covered by a retractable canvas awning which causes sound

to be readily omitted. The first floor is not currently being used for the proposed additional seating / function space, however this also has clear potential to cause disturbance given its elevated position and openings at the rear, near to residential properties.

The Environmental Health Officer has raised objections to the outdoor and first floor uses, as the rear area offers virtually no acoustic attenuation to noise arising from within the rear seating area from both patrons and music. Neighbouring properties are located less than 5 metres away.

The position is exacerbated by the use of a canopy at the rear to enclose the area leading to an intensification of use, the consumption of alcohol which influences the noise level produced by patrons and the use of background noise, which in accordance with the Lombard effect, leads to an involuntary tendency of patrons to increase their vocal effort when speaking in loud noise to enhance the audibility of their voice.

The Environmental Health Department is in receipt of a number of complaints from residents living in The Drive in respect of both amplified music and noise from patrons. This has culminated in the service of an Abatement Notice under the provisions of the Environmental Protection Act 1990 in respect of amplified music.

The Environmental Health Officer is unable to determine if the proposals would lead to an unacceptable loss of amenity in the absence of the applicant not providing an ambient noise survey and therefore recommends the application is refused.

The opening hours until half past midnight on Friday and Saturday are considered unacceptable in this part of the High Street, so close to residential amenity and given that complaints to the Council's Environmental Health Department are continuing one year after the temporary change of use was implemented.

The proposal is therefore also contrary to S1(v) as it is clearly evidenced from complaints received to the Council and objections to the application that the proposal is currently having an adverse impact on residential amenity. The use of the first floor for functions as well as the rear yard in close proximity to a number of residential properties gives rise to considerable impact by reason of noise and disturbance to those properties. There is additionally an objection about noise emanating from the premises from an adjoining bank.

The proposal would also clearly be contrary to S9(i) and (iv) in light of the above conflicts with Policy S1.

#### Ventilation and Extract System

Policy ER9 refers to the need for details of ventilation systems to be submitted where such a system would be necessary in order that the smell, noise and visual impact of the system can be properly considered. It is considered that the

discharge point on the ground floor to the rear of the premises is acceptable from an Environmental Health point of view subject to conditions.

### Highways and Parking

The proposed restaurant does not propose any car parking spaces as part of the development. No objection has been raised from the Council's Highways officer indicating that there is capacity to meet parking demand.

### Summary

Having regard to the above it is considered that the proposal is unacceptable as it would not meet policy requirements for a change of use from retail in the Primary Shopping Frontage of Beckenham Town Centre, and the use would be harmful to the amenities of nearby properties, both residential and commercial

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02751/FULL1, 17/02753/FULL1, 17/02754/FULL1 & 17/02755/FULL1, 16/05191/FULL1, 16/04189/CUTA, and 15/01492/FULL1, set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: APPLICATION BE REFUSED**

#### **The reasons for refusal are:**

- 1. The proposed use of the premises would give rise to an unacceptable loss of amenity to neighbouring properties, with particular regard to the noise and disturbance, contrary to Policy BE1, S1 and S9 of the Unitary Development Plan, Policies 37, 94 & 98 of the Draft Bromley Local Plan and Policy 7.15 of the London Plan.**
- 2. The proposed use would not complement the existing shopping function of this part Beckenham High Street which is designated as Primary Shopping Frontage contrary to the purposes of Policy S1 and S9 of the UDP and Policies 94 & 98 of the Draft Bromley Local Plan.**

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## **Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 17/02755/FULL1

**Ward:**  
Copers Cope

**Address :** 210 High Street Beckenham BR3 1EN

**OS Grid Ref:** E: 537219 N: 169368

**Applicant :** Mr Sayed Sadat

**Objections :** YES

### **Description of Development:**

Retrospective application for introduction of external ancillary seating to the rear of the property to be used for the consumption of hot food. New fencing to rear and retractable canvas awning to be installed over part of the external area.

Key designations:

Conservation Area: Beckenham Town Centre  
Smoke Control SCA 12

### **Proposal**

Retrospective planning permission is sought for the introduction of external ancillary seating to the rear of the property to be used for the consumption of hot food. New fencing to the rear and retractable canvas awning to be installed over the external area.

The ground and first floors of the premises are currently being used as a restaurant, which leads out to an outdoor seating area which provides seating, smoking area, outdoor bar. The outdoor area is bounded by fencing and with a retractable canvas canopy.

### **Location**

The application site lies on the north-western side of Beckenham High Street within a row of commercial units on the ground floor, some of which have residential accommodation above. The site lies within the Beckenham Conservation Area and is designated a Primary Shopping Frontage.

The site is bounded to the east (No.208) by Headmasters hairdressers and by Santander (No.212) to the west. The rest of the parade is made up of a mixture of uses including coffee shops, retail shops, banks and charity shops.

The application is accompanied by a Design and Access Statement.

## Consultations

Nearby owners/occupiers were notified of the application and a number of representations were received which can be summarised as follows:

- Noise
- The sound coming from the seating area on the first floor is easily projected towards the gardens and rear of the residential properties in The Drive.
- Never expected the premises to become akin to a nightclub.
- The applicant has not shown any regard for local residents many of whom have small children
- The terrace to the rear is not a sound structure and a fire risk
- The area at the back of the property is not suitable for the disposal of restaurant waste and will encourage vermin.

## Consultee comments

### Highways

The site location has a PTAL rating of 5 (high) and lies within the Beckenham CPZ where no waiting at any time restrictions apply together with some pay and display parking bays nearby. There are no objections to this proposal from the highways point of view. Attach conditions with any permission; H02, H18 & H22.

TfL - no objections

Crime Prevention Officer - no comment

Advisory Panel for Conservation Areas - no comment

Conservation Officer - no comment

Environmental Health Officer - In respect of the information supplied I note there are no other external seating areas serving restaurants in the vicinity of 210. As such the soundscape, as defined by BS ISO 12913-1:2014, prior to the introduction of the seating would have been perceived as quiet and tranquil by residents in the 210 environs.

Noise Policy Statement for England (210) states:

Through the effective management and control of environmental, neighbour and neighbourhood noise within the context of Government policy on sustainable development;

\* Where possible, contribute to the improvement of health and quality of life.

Furthermore the National Planning Policy Framework (2012) goes on state at paragraph 123:

Planning policies and decisions should aim to:

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Whilst there are no precise rules, for an area to be protected for its tranquillity it is likely to be relatively undisturbed by noise from human caused sources that undermine the intrinsic character of the area i.e. the conditions which existed before the introduction of the external seating area at 210. The introduction of the external seating area at 210 has diluted the amenity value of the area in terms of tranquillity leading to an unacceptable loss of amenity of the 210 environs.

I note the external area at 210 is enclosed by a structure comprising of deck boards mounted horizontally with larger gaps in between. As such the current arrangement offers no acoustic attenuation to noise arising from within the rear seating area from both patrons and amplified music for the neighbouring property whose noise sensitive curtilage is less than 5 metres away.

The position is exacerbated by the use of a canopy to enclose the area leading to an intensification of use, the consumption of alcohol which influences the noise level produced by patrons and the use of back ground noise, which in accordance with the Lombard effect, leads to an involuntary tendency of patrons to increase their vocal effort when speaking in loud noise to enhance the audibility of their voice.

It is unsurprising the Environmental Health Department is in receipt of a number of complaints from residents in The Drive in respect of both amplified music and noise from patrons. This has culminated in the service of an Abatement Notice under the provisions of the Environmental Protection Act 1990 in respect of amplified music.

In the absence of any acoustic assessment I am unable to determine if the proposals would not lead to an unacceptable loss of amenity and therefore recommend the application is refused on such grounds.

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE11 Conservation Areas
- S1 District Centres
- S9 Food and Drink Premises
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance 1 - General Design Principles

## Draft Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances."

Draft Policy 30	Parking
Draft Policy 32	Road Safety
Draft Policy 37	General Design of Development
Draft Policy 41	Conservation Areas
Draft Policy 94	District Centres
Draft Policy 98	Restaurants, Pubs & Hot Food Takeaways

## London Plan

- 7.4 Local Character
- 7.5 Public Realm
- 7.8 Heritage Assets and Archaeology
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector and related facilities and services

## National Planning Policy Framework

The NPPF is a material consideration in the determination of this application. It states that the purpose of the planning system is to contribute to the achievement of sustainable development. Of particular relevance are the following chapters:

Chapter 2 relates to ensuring the vitality of town centres.

Chapter 7 relates to requiring good design.

Chapter 12 relates to conserving and enhancing the historic environment.

## Planning History

Under planning application reference: 17/02751/FULL1 planning permission is currently pending consideration for Introduction of seating to the first floor of the property and change of use of first floor to function room / additional restaurant seating in connection with the use of the ground floor as a restaurant and insertion of external door to first floor in rear elevation.

Under planning application reference: 17/02753/FULL1 planning permission is currently pending consideration retrospective application for the continued use of the property as a restaurant with the installation of an extraction system.

Under planning application reference: 17/02754/FULL1 planning permission is currently pending consideration for retrospective application for the installation of a new shopfront

Under planning application reference: 16/ 05191/FULL1 planning permission was refused for installation of kitchen extraction hood and installation of external ducting to rear.

The application was refused for the following reason:-

1. *The revised plans do not show sufficient detail to meet the required technical standards for ventilation requirements as required by DEFRA and could potentially lead to the discharge of cooking odours and smells that could give rise to nuisance for neighbouring residents contrary to policy BE1, ER9 and S9 of the Unitary Development Plan & Policy 7.15 of the London Plan.*

On the 30th November 2016 the applicant wrote to the Council notifying his intention to change the use of the premises from a shop (Use Class A1) to a restaurant (Use Class A3) for a temporary 2yr period under Part 4, Class D of the Town and Country Planning (General Permitted Development)(England) Order 2015.

Under planning application reference: 16/04189/CUTA prior approval was refused change of use application from shop Class A1 (retail) to Class A3 (restaurant) (56 day application in respect of noise, odour, waste, opening hours, highways, service provision, sustainability and appearance under Class C Part 3 of the GPDO. The prior approval application was refused for the following reasons:-

1. *The proposed ventilation is unsatisfactory as it provides no odour abatement and in the absence of evidence to suggest the contrary, would adversely impact residential amenity by virtue of noise. The extent of the proposed opening hours would exacerbate noise within the site by virtue of transient pedestrian and vehicle movements within close proximity to neighbouring dwellings contrary to policy BE1 and S9 of the Unitary Development Plan, Policy 7.15 of The London Plan and the Mayors SPG Housing (2012).*
2. *The applicant has failed to provide sufficient information in respect of refuse and waste management and in accordance with PART W (3) (b) of the GPDO (2015) therefore the Council are unable to fully assess the impact of refuse, contrary to saved policy BE1 and S9.*
3. *The proposed siting and location of the ventilation ductwork is considered incongruous, prominent and unsightly when viewed from the rear of 210 High St contrary to policy BE1 of the Unitary Development Plan.*
4. *The proposed Class A3 is not considered to contribute to the vitality or range of local services within the shopping parade and in the absence of information to demonstrate otherwise, the loss of the A1 unit would have a detrimental impact upon the vitality of the shopping parade given the extent of neighbouring A3/A5 uses and the loss of a viable retail unit contrary to policy S5 of the Unitary Development Plan.*

Under planning application reference: 15/01492 planning permission was refused for a two storey rear extension to provide an enlarged retail unit, 1 x 1 bedroom flat, 1 x 2 bedroom flat and change of use of existing first floor from retail to residential. The application was refused for the following reasons:-

- 1 *The proposal constitutes a overdevelopment of the site and if permitted would establish an undesirable pattern for similar residential infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policy H7 and BE1 of the Unitary Development Plan.*
- 2 *The proposed windows within the bedrooms of both flats do not provide a reasonable view or outlook and would be harmful to the amenities of future occupiers contrary to Policies H7 and BE1 of the Unitary Development Plan.*
- 3 *The provision of a balcony overhanging the ground floor extension would give rise to undesirable overlooking of the rear gardens located on The Drive and would not provide a desirable outlook for future occupiers overlooking an alleyway, contrary to Policy BE1 and Policy H12 of the Unitary Development Plan.*
- 4 *The proposed development could potentially result in the increase of on-street parking and intensify the use of parking in Beckenham High Street and The Drive and in the absence of an appropriate parking survey to suggest otherwise, the proposal would be likely to give rise to an undesirable increase of on-street parking in nearby roads, and would also lead to conditions prejudicial to the free flow and general safety of traffic along these roads contrary to Policies T2, T3 and T18 of the Unitary Development Plan*

The above mentioned application (15/01492/FULL1) was allowed on appeal on 31st December 2015.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character and appearance of the conservation area, the impact that it would have on the amenities of local residents.

## **Background**

The premises changed from a Retail Unit (Use Class A1) to a Restaurant (Use Class A3) in November 2016 under a temporary two year 'permitted development' consent. This consent provides a temporary approval for a building and land within its curtilage to change use to a restaurant. The applicant has until December 2018 before the temporary consent comes to an end and he would need to apply to the Council to regularise this. The applicant has chosen to bring forward this process and this application seeks full planning permission for an outdoor seating area, new fencing and a retractable canvas awning.

### Impact on Conservation Area

Policy BE11 seeks for all new developments within a conservation area, to preserve or enhance the character or appearance of the conservation area in terms of its scale, design and materials.

Policy BE7 seeks to ensure that means of enclosure are appropriate.

The external seating, new fencing and canopy are all located to the rear of the site. It is considered that the high level fencing and awning would be harmful to the visual amenities of the area and wider Conservation Area.

### Retractable awning

The outdoor seating area is covered by a retractable awning, which covers the tables and chairs below. The canvas awning is not considered to be an acceptable roofing treatment for the use particularly from a visual perspective. Whilst other properties in the parade have rear extension all are brick built structures. The awning is not considered appropriate in the Conservation Area, contrary to policies BE1 and BE11

### New Fencing

New high fencing has been erected around the rear of the premises. The fencing is level with the height of neighbouring rear extensions. The fencing is considered to be visually obtrusive and not in keeping with the rear of the host building and wider premises along this section of the parade, and harmful to the character and appearance of the Conservation Area. The fencing also does little to contain the noise which is emitted from the premises. The fencing is considered contrary to policies BE1, BE7 and BE11

### Outdoor seating area

The outdoor seating area contains tables and chairs, and an outdoor bar and is regularly used by customers late into the evening for eating and other related activities. No hours of opening are provided on the application form in this case, however other current applications include the hours from 7am to 12:30am.

### Impact on residential amenity

Policy BE1 also seeks to ensure that new development proposals, respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by loss of outlook or overshadowing.

Policies S1 and S9 seek to ensure that town centre uses are appropriate and do not harm residential amenities or the shopping function of the centre.

A number of objections have been received from neighbours who live in The Drive. All have complained about the noise emanating from the property, in particular the outdoor area. Many residents sleep in the back bedrooms of their properties and have complained of problems sleeping at night and being unable to enjoy their gardens during the summer months because of the noise emanating from the premises. Several local residents have contacted the Council's Environmental Health Departments and have been visited by Officers who have carried out noise surveys.

A noise limiter was fitted at the premises to ensure that amplified noise was kept to a restaurant standard, however objections continue to be received. In addition an objection has been received from the branch manager of Santander Bank (neighbouring property) objecting to the noise coming from the premises at 11 o'clock in the morning which has been cause disturbance to customers using the bank.

The Environmental Health Officer has raised objections to the use. The introduction of the external seating area at 210 has diluted the amenity value of the area in terms of tranquillity leading to an unacceptable loss of amenity of the 210 environs.

210 is enclosed by a structure comprising of deck boards mounted horizontally with larger gaps in between. As such the current arrangement offers no acoustic attenuation to noise arising from within the rear seating area from both patrons and amplified music for the neighbouring property whose noise sensitive curtilage is less than 5 metres away.

The position is exacerbated by the use of a canopy to enclose the area leading to an intensification of use, the consumption of alcohol which influences the noise level produced by patrons and the use of background noise, which in accordance with the Lombard effect, leads to an involuntary tendency of patrons to increase their vocal effort when speaking in loud noise to enhance the audibility of their voice.

The Environmental Health Department is in receipt of a number of complaints from residents in The Drive in respect of both amplified music and noise from patrons. This has culminated in the service of an Abatement Notice under the provisions of the Environmental Protection Act 1990 in respect of amplified music.

In the absence of any acoustic assessment the Environmental Health Officer is unable to determine if the proposals would lead to an unacceptable loss of amenity and therefore recommends that the application is refused.

The use of the rear area and associated development is therefore considered to be harmful to the character and appearance of the Conservation Area, and harmful to the amenities of nearby properties, contrary to policies BE1, BE7, BE11,

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/02751/FULL1, 17/02753/FULL1, 17/02754/FULL1 & 17/02755/FULL1, 16/05191/FULL1, 16/04189/CUTA, & 15/01492/FULL1, set out in the Planning History section above, excluding exempt information.

**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1. The outdoor seating area would be an over intensification of the use, and would be detrimental to the amenities of residential and commercial properties in the vicinity this part of Beckenham High Street, contrary to Policies BE1, S1, and S9 of the Unitary Development Plan, Policy 37 & 98 of the Emerging Local Plan and Policy 7.15 of the London Plan.**
- 2. The fencing and awning would be harmful to the visual amenities of the area and the character and appearance of the Conservation Area, contrary to Policies BE1, BE7 and BE11 of the Unitary Development Plan.**
- 3. In the absence of planning permission for the permanent change of use of the ground floor of the premises to a restaurant, it would be premature to grant permission for an associated extended seating area in connection with that use.**

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**Application No :** 17/04534/FULL1

**Ward:**  
**Petts Wood And Knoll**

**Address :** 80 Crescent Drive Petts Wood  
Orpington BR5 1BD

**OS Grid Ref:** E: 544238 N: 167134

**Applicant :** Mr Terence Willis

**Objections :** YES

### **Description of Development:**

Erection of a detached single storey three bedroom dwelling on land rear of 76-80 Crescent Drive with vehicular access onto Shepperton Road

Key designations:

Smoke Control SCA 8

### **Proposal**

The proposal seeks planning permission for a single storey dwelling fronting onto Shepperton Road. The building will have a width of 15.2m and a depth of 12.2m. A rear garden of 7.5m in depth is proposed. The dwelling will have a pitched roof with a height of 5.7m (6.5m previously proposed).

The existing vehicular access onto Shepperton Road will be relocated for the new development, with parking space provided to the front of the house. The dwelling will be set back 5.0m from the highway.

An Arboricultural Statement has been submitted with the application which addresses the impact on the protected trees near to the site.

### **Location and Key Constraints**

The application site is located to the southern edge of Shepperton Road and occupies the rear of the rear gardens of Nos. 76, 78 and 80 Crescent Drive. The rear of Nos. 76 and 78 is subject to a Tree Preservation Order. The area is characterised by predominantly two storey dwellings set in spacious plots.

### **Comments from Local Residents and Groups**

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

## Objections

- Excessive form of overdevelopment and harmful impact on the character of the area
- Dwelling would be sited in close proximity to the highway and would have a cramped appearance.
- Proposed design is only marginally different from the previous application and has not addressed the previous Inspector's concerns
- Impact on protected trees at the site.
- Impact on highway safety as a result of cars accessing the site on a busy bus route.
- Plans indicate extensions to No. 80 which are assumed to have consent.

## Local Groups:

- The Petts Wood & District Residents' Association (PWDRA) has objected on the basis of overdevelopment of the site which would erode existing gardens and be out of character, as previously considered by the Inspector. The proposal would be excessively prominent in the street scene and the previous grounds of refusal and Inspector's concerns have not been overcome.

## Comments from Consultees

Highways - no objections are raised subject to conditions.

Drainage - no objections are raised subject to a standard condition.

The Council's Tree Officer has raised no objection to the proposal.

## Policy Context

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.

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.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- 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
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan (2016) Policies:

3.3 Increasing Housing Supply  
3.4 Optimising Housing Potential  
3.5 Design and Quality of Housing Developments  
3.8 Housing Choice  
5.1 Climate Change  
5.2 Minimising Carbon Dioxide Emissions  
5.3 Sustainable Design and Construction  
6.9 Cycling  
6.13 Parking  
7.2 An Inclusive Environment  
7.3 Designing out Crime  
7.4 Local Character  
7.6 Architecture  
7.15 Noise  
8.3 Community Infrastructure Levy

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development  
H7 Housing Density and Design  
H9 Side Space

NE7 Development and Trees  
T3 Parking  
T18 Road Safety

### Emerging Local Plan

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 – Housing Supply  
Draft Policy 3 – Backland and Garden Land Development  
Draft Policy 4 – Housing Design  
Draft Policy 8 – Side Space  
Draft Policy 30 – Parking  
Draft Policy 32 – Road Safety  
Draft Policy 33 – Access For All  
Draft Policy 37 – General Design of Development  
Draft Policy 73 – Development and Trees

### Other Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Supplementary Planning Guidance 1 – General Design Principles  
Supplementary Planning Guidance 2 – Residential Design Guidance

### **Planning History**

Planning permission was refused under ref. 16/02648 for erection of a detached single storey three bedroom dwelling on land rear of 76-80 Crescent Drive with vehicular access onto Shepperton Road. The refusal grounds were as follows:

‘The proposal would, by reason of its size, location, scale and design, represent the introduction of an unacceptable form of development that would be harmful to the character and spatial standards of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.’

The application was subsequently dismissed at appeal. The Inspector states:

‘Whilst the current proposal is for a single storey dwelling the roof is, nevertheless, the same height as the previous scheme albeit without the dormer windows. Although the appeal site now includes land to the rear of no 76 the depth of the building has increased resulting in a building of

slightly greater scale, footprint, mass and bulk than the previous scheme. The proposal would still result in the loss of views through to the rear gardens and trees of Crescent Drive and Nightingale Road when viewed from Shepperton Road with a consequential loss of openness.

Recent extensions to No 80 have extended the footprint of the property up to the boundary with Shepperton Road and the proposed development would alter the frontage further. The frontage of the proposed dwelling is set further back from the road which would enable greater opportunities for landscaping to soften the impact of the proposal to a degree. However, this would not sufficiently reduce the prominence of the proposal in the street scene or compensate for the loss of openness. The current appeal proposal has not, therefore, altered sufficiently to reach a different conclusion to my colleague.

I, therefore, consider that the proposal would introduce a prominent and incongruous feature within the street scene. Furthermore, the proposal would reduce views through to the spacious rear gardens and mature landscaping of surrounding properties. Taking these factors in combination, the proposal would be at odds with the spacious and open character of the area.'

Planning permission was refused under ref. 14/03044 for erection of a detached two storey three bedroom dwelling on land rear of 78-80 Crescent Drive with vehicular access onto Shepperton Road. The Refusal grounds were as follows:

'The proposal would, by reason of its size, location, scale and design, represent the introduction of an unacceptable form of development that would be harmful to the character of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.

The proposal would constitute a cramped overdevelopment of the site, out of character with surrounding development, lacking in adequate amenity space, harmful to the spatial standards of the area, and detrimental impact to highway safety, thereby contrary to Policies BE1, H7 and T18 of the Unitary Development Plan, The London Plan, and the Paragraph 53 of the National Planning Policy Framework (2012).'

The application was subsequently dismissed at appeal, with the impact of the development on the character of the area forming the main area of concern. The Inspector states:

'A two storey dwelling would be introduced into the rear gardens of 78-80 Crescent Drive with access from Shepperton Road. Due to its location, height and scale the dwelling would have prominence within the street scene and when viewed from the adjoining properties on Nightingale Road and Crescent Drive. It would be particularly harmful to the character and appearance which is derived from the views of the trees between Crescent Drive and Nightingale Road when viewed from Shepperton Road. The

dwelling would also detract from the spacious open character and appearance of the area.

The appellant has identified a number of infill developments in the vicinity of the appeal site where new dwellings have been built. Some of those developments have been introduced without detriment to the character of the area; others have been less successful with respect to their impact on character. Where new developments have been successfully introduced into the area they have generally been small bungalows which are of a scale which does not compromise the spaciousness of the original estate layout. In the case of the appeal dwelling, its bulk and scale, while comparable with surrounding development would detract from the openness of its context.

On the opposite side of Shepperton Road no. 71 is an infill development which the appellant has highlighted. This is a single storey bungalow which is set back further from the carriageway than the proposed two storey dwelling at the appeal site. The proposed development would therefore have greater prominence in the street scene of Shepperton Road than no.71.

Whilst recent extensions to 80 Crescent Drive have extended the footprint of the building up to the boundary with Shepperton Road the proposed development would alter the character of the frontage further. This is particularly the case as the opportunities for soft landscaping would be limited given the siting of the new dwelling as described above. Consequently the proposed dwelling would appear cramped and out of character with the surrounding development.

On this basis the proposed development would cause harm to the character and appearance of the area and would be contrary to policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan (UDP) July 2006. These policies seek to ensure that development should not detract from the existing street scene and that the site layout, buildings and spaces about new housing should recognise as well as complement the qualities of the surrounding areas.

The garden of the proposed dwelling would be much smaller than most of the gardens within the area. Having regard to policies BE1 and H7 of the Bromley UDP which aim to achieve attractive settings around buildings and adequate private amenity space, I conclude that the proposal would fail these policy expectations. In addition, the proposal would be contrary to paragraph 53 of the National Planning Policy Framework which seeks to resist the inappropriate development of residential gardens by virtue of the harm caused to the local area and Policy 7.4 of the London Plan 2011 which requires development to have regard to the form and structure of an area.'

The Inspector also raised concerns in terms of the neighbouring protected trees:

'The impact of the trees to the north of the appeal site on the proposed development has been raised by the Council and other parties. The Council's tree officer raised no objection to the proposal but the proximity of the oak tree to the site would in my view adversely impact upon the ability of future occupiers of the proposed development to enjoy the garden space.'

Planning permission was refused under ref. 13/04265 for erection of a detached two storey three bedroom dwelling on land rear of 78-80 Crescent Drive with vehicular access onto Shepperton Road. The refusal grounds were as follows:

'The proposal would, by reason of its size, location, scale and design, represent the introduction of an unacceptable form of development that would be harmful to the character of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.

The proposal would constitute a cramped overdevelopment of the site, out of character with surrounding development, lacking in adequate amenity space and harmful to the spatial standards of the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan and the Paragraph 53 of the National Planning Policy Framework (2012).

The proposal, in the absence of evidence to the contrary, is likely to result in the loss of mature trees on the site subject to Tree Preservation Order No. 373 which contribute significantly to the visual amenities of the area and would therefore be contrary to Policies BE1 and NE7 of the Unitary Development Plan.'

Planning permission was refused under ref. 13/02947 for erection of detached single storey dwelling with accommodation within roofspace and access onto Shepperton Road. The refusal grounds were as follows:

'The proposal would, by reason of its size, location, scale and design, represent the introduction of an unacceptable form of development that would be harmful to the character of the area and contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.

The proposal would constitute a cramped overdevelopment of the site, out of character with surrounding development, lacking in adequate amenity space and harmful to the spatial standards of the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan and the Paragraph 53 of the National Planning Policy Framework (2012).

The proposal, by reason of the inadequate dimensions of the garage and parking area, would represent an unacceptable level of parking provision that is likely to result in on-street parking and the overhanging of the footway by vehicles, harmful to the safety of pedestrians and contrary to Policies T3

and T18 of the Unitary Development Plan and the National Planning Policy Framework.

The proposal, in the absence of evidence to the contrary, is likely to result in the loss of mature trees on the site subject to Tree Preservation Order No. 373 which contribute significantly to the visual amenities of the area and would therefore be contrary to Policies BE1 and NE7 of the Unitary Development Plan.'

## **Considerations**

The main issues relating to the application are:

- the effect that it would have on the character of the area,
- the protected trees to the rear of the site
- highway and pedestrian safety
- the impact that it would have on the amenities of the occupants of surrounding residential properties.

### Impact on Character

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.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing Housing Supply, Policy 3.4 Optimising Housing Potential and Policy 3.8 Housing Choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement

the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in Paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

It is proposed to erect a detached dwelling fronting onto Shepperton Road. The building would have a width of 15.2m and a depth of 12.2m. A rear garden of 7.5m in depth is provided with boundaries to the rear gardens of Nos. 76, 78 and 80 Crescent Drive and Nos. 69, 71 and 73 Nightingale Road.

Following the recently dismissed scheme, the current application removes a section of the bulk of the building by reducing the height from 6.5m to 5.7m. The footprint and siting of the building will remain the same as that previously dismissed.

The previous Inspector was concerned that the scale, footprint, mass and bulk of the building in this location would result in the loss of views through to the rear gardens and trees of Crescent Drive and Nightingale Road when viewed from Shepperton Road. The Inspector stated that the resulting loss of openness would be harmful to the character of the area.

The siting and prominence of the development in the street scene, and the associated loss of openness, was considered not to be compensated by the set back from the highway or the opportunity for landscaping that this setback provided. The current application proposes the exact same siting and footprint within the plot.

Whilst the height of the building has been reduced, its width, footprint and siting have not altered from the previously dismissed proposal. It is therefore considered that the proposal would introduce a prominent and incongruous feature within the street scene in a similar manner to the previous application. Furthermore, the proposal would continue to reduce views through to the spacious rear gardens and mature landscaping of surrounding properties. In light of the close similarity to the previous application, the proposal would be at odds with the spacious and open character of the area and is considered not to have overcome the previous Inspector's concerns. It is therefore considered that the proposal would be unacceptable.

The Inspector considered other single storey dwellings in the locality, particularly the one opposite the site at No. 71 Shepperton Road. The Inspector noted however that No. 71 is significantly less bulky than the one proposed and that, crucially, the proposed development would have a more prominent impact on the street scene, in turn impacting on existing views. No. 71 was also permitted under an older planning policy context and therefore the Inspector attached limited weight to the presence of nearby bungalows.

The proposal is considered to be contrary to Policies BE1 and H7 of the Unitary Development Plan and Policies 4 and 37 of the Draft Local Plan.

#### Impact on Neighbouring Amenities

Policy BE1 of the Unitary Development Plan states that development should respect the amenity of occupiers of neighbouring buildings and ensure they are not harmed by noise disturbance, inadequate daylight, sunlight, and privacy or overshadowing.

Concerning potential impact on the amenities of the neighbouring properties, this area was not considered to be a concern for the Inspector. The massing of the building will be similar to that previously considered and would not create a further significant visual impact for neighbouring properties. The development would shorten a third rear garden at No. 76, however the Inspector considered that whilst 20m rear gardens would be shorter than the prevailing garden length in the locality, this would not necessarily in itself be detrimental to the private amenity space of residents of these properties and the functioning of these spaces as gardens would not be affected. The development will reduce the rear garden lengths of Nos. 66 and 68 to 25m and 17m respectively and this reflects the previous proposal.

The proposal is therefore considered to comply with Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan in this regard.

#### Impact on Highway Safety

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The Inspector considered that the use of the access on Shepperton Road to serve one additional dwelling would not impact harmfully on highway safety in the area. The current scheme proposes a similar arrangement, with car parking space provided for two cars. It is considered that this arrangement would not introduce a further highway safety consideration and the scheme is considered acceptable on this point and compliant with Policies T18 of the Unitary Development Plan and Policy 32 of the Draft Local Plan.

### Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

### Trees

The rear of the site, situated to the rear of No. 78, is the subject of a Tree Preservation Order that applies to the rear gardens of Nos. 66-80 Crescent Drive and Nos. 63-71 Nightingale Road. A Tree Survey has been submitted with regard to the impact of the development upon these trees and the Tree Officer has stated that the impacts would not be significant and the Inspector raised no particular concern subject to conditions. The proposal is therefore considered to comply with Policy NE7 of the Unitary Development Plan and Policy 73 of the Draft Local Plan.

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

### **Conclusion**

Having regard to the above it is considered that the development in the manner proposed is unacceptable in that it would impact harmfully on the character of the area. It is therefore recommended that Members refuse planning permission.

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:                      REFUSAL**

**GROUND OF REFUSAL**

**The proposal would, by reason of its size, location, scale and design, represent the introduction of a conspicuous and unacceptable form of development that would be harmful to the character and spatial standards of the area, along with existing views to the rear of the site, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan and Policies 4 and 37 of the Draft Local Plan.**

Report No.  
DRR17/070

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PLANS SUB-COMMITTEE NO. 3

**Date:** Thursday 21 December 2017

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** 9 MOSELLE ROAD, BIGGIN HILL

**Contact Officer:** John Stephenson, Planning Investigation Officer  
Tel: 0208 461 7887 E-mail: John.Stephenson@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Biggin Hill;

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1. Reason for report

Following a complaint alleging the subject property was not being built in accordance with the approved plans the site was investigated in order to establish whether the matters constituted a breach of planning control.

The report summarises the findings of these investigations and also considers the expediency of taking enforcement action having regard for the development plan and any other material considerations.

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2. **RECOMMENDATION(S)**

- 2.1 That Members decide on a course of action with a recommendation that it would not be expedient, or appropriate to take action having regard in particular to the Inspectors deliberations contained within the decision letter in allowing the appeal and granting planning permission.
- 2.2 Members may also consider it appropriate to invite a further application to regularise the development on site, to cover the identified variation from the approved scheme.

### Impact on Vulnerable Adults and Children

1. Summary of Impact: N/A
- 

### Corporate Policy

1. Policy Status: Existing Policy
  2. BBB Priority: Quality Environment
- 

### Financial

1. Cost of proposal: No Cost
  2. Ongoing costs: Non-Recurring Cost
  3. Budget head/performance centre: N/A
  4. Total current budget for this head: N/A
  5. Source of funding: N/A
- 

### Personnel

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
- 

### Legal

1. Legal Requirement: Non-Statutory - Government Guidance
  2. Call-in: Not Applicable:
- 

### Procurement

1. Summary of Procurement Implications: N/A
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Local
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: N/A

### 3. COMMENTARY

3.1 On 18<sup>th</sup> August 2009 planning permission was allowed on appeal for two 3 bedroom semi-detached houses. The Inspector imposed conditions restricting permitted development rights relating to roof and side extensions as follows:

“6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration shall be made or constructed on the flank elevations of the dwellings hereby approved without obtaining planning permission from the local planning authority.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no enlargement of or alteration to the roof of the dwellings permitted by Class B or C of Part 1 of Schedule 2 to the Order shall be carried out without obtaining planning permission from the local planning authority.”

3.2 Building Control inspection records confirm that foundation excavation works were commenced on 4<sup>th</sup> September 2012 to implement this permission.

3.3 On 1<sup>st</sup> December 2010 a Certificate of Lawfulness application was submitted for rear extensions but was subsequently withdrawn on the basis that permitted development rights could not be exercised on the properties until it had been confirmed that they had been substantially completed.

3.4 A further revision application under planning ref.11/00661 was submitted on 28<sup>th</sup> February 2011 to incorporate two 2 storey centralised rear extensions which were granted permission.

3.5 Two further two storey rear infill extensions erected to the side of the rear extension granted permission under ref. 11/00661 are the main source of complaint in this matter. These do not appear on the approved plans and it is considered that they do not benefit from permitted development rights on the basis that they do not comply Schedule 2 Part 1 A.1 (j) of the General Permitted Development Order, i.e. they would exceed 4 metres in height, have more than one storey and have a depth greater than half the original house.

3.6 Furthermore, it is considered that these extensions are in breach of conditions 6 and 7 of permission 11/00661 referred to above because they would:

(i) result in an enlargement to the main roof of the dwellings;

(ii) on the basis of the interpretation of a side elevation of a house given in the 'Permitted Development for householders - technical guidance' the development is considered to result in flank extensions.

3.7 The applicant / owner was contacted by email on 26<sup>th</sup> October 2016 and requested to submit a planning application. On the basis that he considered the work to be permitted development it was intended that a Certificate of Lawfulness would be submitted but this has never been received.

3.8 Having established that the development represents a breach of planning control the other issue to consider is the expediency of taking enforcement action and whether In line with paragraph 207 of the National Planning Policy Framework it would be a proportionate response to do so. In this case it is considered that regard should be had to the Inspectors reasoning in allowing the appeal. In particular what the Inspector sought to achieve in adding the conditions restricting permitted development rights.

3.9 With regard to the character and appearance of the area the Inspector considered it to be important to restrict the height of the dwellings. Stating at paragraph 7:

“In my view it is important to restrict the height of any dwellings replacing No.9 as an excessively tall building sited between 2 smaller ones would appear incongruous. Whilst a reduction of some 1m may not be substantial, I consider that in the context of the appeal site and its surroundings it is a necessary amendment to the scheme. It would reduce the ridge height of the proposal to little more than that of the existing bungalow and, taking into account also the proposed lowering of the site level, would limit any contrast with the buildings on each side.”

3.10 The restriction of permitted development rights relating to roof extensions appears to relate to the importance the Inspector attached restricting the height of the roof. At the appeal the height was reduced from 8m -7m. When permission was granted for revisions to this scheme under 11/00661 a 0.4m increase in the height of the dwellings was considered acceptable by the Council at this stage. A site visit carried out on 10<sup>th</sup> August 2016 confirmed that the height of the proposal was compliant in this respect.

3.11 It is considered that the lack of a condition concerning rear extensions and the fact that there is a condition that specifically addresses side extensions is an indication that the Inspectors was mainly concerned about the impact of any bulk coming closer to the respective shared side boundaries with Nos. 7 and 11 as opposed to the impact of a rear extension in isolation.

3.12 With regard to the bulk and width of the dwellings the Inspector stated: (para 8-10):

“The other criticisms made by the previous Inspector and by the Council in relation to the present appeal scheme were in relation to the bulk and width of the proposal. The site is wide enough to accommodate the 2 semi-detached houses, which would be of a scale that is in keeping with that of other dwellings in Moselle Road. The dwellings would not extend further forward than the existing bungalow by any significant distance and they would respect the existing front building line formed by Nos.7 and 11. With the lower ridge height proposed, I do not consider that they would appear unduly bulky when seen from the street...In the previous scheme, the 2 detached houses would have been about 1m and1.8m respectively from the flank boundaries of the site. With the appeal scheme, these distances are increased to around 2.7m and 3m....These elements of separation, together with the gaps in the frontage development at first floor level between the proposed houses and Nos.7 and 11, would in my opinion be adequate to ensure that when seen from the street the dwellings would maintain sufficient separation from the neighbouring bungalows.”

3.13 With specific regard to the impact upon the living conditions of neighbouring properties at No. 7 and 11 the Inspector stated:

No.7 – (para 12) “The new dwellings would be built up to the boundary with No.7 but this reflects the current situation where a single storey extension to the existing bungalow is also alongside part of the boundary. At first floor level there would be the gap of about 2.7m to provide, as I have previously noted, an adequate sense of separation of the 2-storey element from the boundary. There is only one window in this side of the bungalow at No.7 and therefore the effect on the outlook from No.7 would be limited, particularly as the dwellings would not project in front of No.7 or further to the rear of that dwelling.”

3.14 The single storey side garages which were shown to be built up to the boundary of the dwellings have not been built. It is also noted that the Inspector considered [as per para 3.11 above] that there would be adequate first floor separation provided by the distance maintained.

3.15 With regard to No.11 the Inspector stated – “No.11 is arranged with the windows of living accommodation facing the side of the appeal property. The single storey garage at the side of the proposed dwelling next to No.11 would be mainly alongside the garage of No.11 and would not extend far enough back to significantly affect the outlook from the living room at that dwelling. The outlook from the window of this room would however be changed, with the 2-storey element of the proposal replacing the current roof structure of the existing bungalow. However, with the lower 7m ridge height, the additional height of the roof over and above that of the existing bungalow would be less than 1m,

and the first floor side wall of the new dwelling would be separated from the boundary by some 3m. There is also a further 1.5-2m separation between the flank wall of No.11 and the boundary of the property. In my view, the outlook from this window would not be significantly compromised. The window faces to the west and there would be some reduction in the sunlight which it receives from early afternoon onwards, but, in view of the separation and limited additional roof height, I do not consider that the reduction would be unacceptable, bearing in mind also that lighting levels in this room would be assisted by the glazed patio door in the opposite elevation.”

- 3.16 Once again the garage up to the boundary has not been built and the Inspector has accepted that given the separation at first floor level together with the separation between the flank of No.11 and the boundary of the property there would not be an unacceptable impact upon the living conditions of neighbouring properties. The distance to the boundary with No.11 when measured on site was noted at circa 2.6m this is some 0.4m less than the approved plan. However, It is on balance considered that the flank to flank distances at first floor level remain at an acceptable level.
- 3.17 Whilst understanding the neighbours concerns in relation to the incremental way the development has come about. It is not considered that the impact upon the living conditions of occupants of No. 7 and 11 as a result of these changes are so significant as to warrant enforcement action to correct the breaches of planning control in this case.
- 3.18 Advice has been sought from the borough legal department who accept that it would not be expedient to take enforcement action in this case because the addition of two rear infill extensions erected to the side of the rear extension of the property would not cause harm to the neighbouring properties in terms of outlook and the surrounding area.

<b>Non-Applicable Sections:</b>	<b>IMPACT ON VULNERABLE ADULTS AND CHILDREN, POLICY IMPLICATIONS, FINANCIAL IMPLICATIONS, PERSONNEL IMPLICATIONS, LEGAL IMPLICATIONS, PROCUREMENT IMPLICATIONS</b>
Background Documents: (Access via Contact Officer)	N/A

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Report No.  
DRR17/071

London Borough of Bromley

PART ONE - PUBLIC

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**Decision Maker:** PLANS SUB-COMMITTEE NO. 3

**Date:** Thursday 21<sup>st</sup> December 2017

**Decision Type:** Non-Urgent Non-Executive Non-Key

**Title:** CONFIRMATION OF TREE PRESERVATION ORDER (TPO)  
2637 AT 75 QUEENSWAY, ORPINGTON, KENT, BR5 1DQ

**Contact Officer:** Chris Ryder, Principal Tree Officer  
E-mail: christopher.ryder@bromley.gov.uk

**Chief Officer:** Chief Planner

**Ward:** Petts Wood and Knoll

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1. Reason for report

To consider an objection received against the making of the above referenced Tree Preservation Order (TPO).

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2. **RECOMMENDATION(S)**

The oak tree makes an important contribution to the visual amenity of the surrounding area and is awarded high amenity value. The TPO should therefore be confirmed to secure tree protection.

### Corporate Policy

1. Policy Status: Existing Policy:
  2. BBB Priority: Quality Environment:
- 

### Financial

1. Cost of proposal: No Cost:
  2. Ongoing costs: Not Applicable:
  3. Budget head/performance centre:
  4. Total current budget for this head: £
  5. Source of funding:
- 

### Staff

1. Number of staff (current and additional): 3
  2. If from existing staff resources, number of staff hours:
- 

### Legal

1. Legal Requirement: Statutory Requirement:
  2. Call-in: Not Applicable:
- 

### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Those affected by the TPO.
- 

### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments:

### 3. COMMENTARY

- 3.1 TPO 2637 was made on the 3<sup>rd</sup> July 2016 and relates to a mature oak tree located to the rear of 75 Queensway.
- 3.2 An objection has been received from the co-owner of the property.
- 3.3 The objection states that the removal of the tree would not have a significant impact on the local environment on the basis of the isolated location. The objection makes it clear that the site is outlined for proposed development that will likely consist of four dwellings.
- 3.4 The TPO was made following a perceived threat to the tree being established. The content of the objection confirms this.
- 3.5 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the tree merited preservation. In summary, the tree was found to be in a good condition, with a suitable retention span and clearly visible to the public.
- 3.6 The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing trees and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees. The proposed development should address the tree as a constraint.
- 3.7 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist.
- 3.8 Considering the foreseeable desire to remove the tree, members are respectfully requested to confirm the order.

<b>Non-Applicable Sections:</b>	Policy, Financial, Personnel, Legal
Background Documents: (Access via Contact Officer)	15/05390/TREE

4. PHOTO

