

LONDON BOROUGH OF BROMLEY

**TOWN PLANNING
RENEWAL AND RECREATION DEPARTMENT**

DELEGATED DECISION on 29th March 2018

18/00210/FULL6 **2 Ullswater Close**
Louisa Bruce **Bromley**
 BR1 4JF

Description of Development

Proposed two storey side extension.

Proposal

Planning permission is sought for a two storey side extension which would attach to the south-western side of the property. The side extension would measure 7.2m in depth x 4.3m in width x 5.8m (eaves height) / 7.7m (maximum height). New patio doors are shown to extend across the ground floor rear elevation of the extension and main dwellinghouse.

The extension would provide an open-plan kitchen on the ground floor and a master bedroom and en-suite of the first floor.

Location and Key Constraints

The application property is an end of terrace three storey townhouse which is located on Ullswater Close, close to the junction with Coniston Road and Ellstree Hill. Given it's corner location, the property benefits from a grassed area to the front and side which separates the property from the footway/highway. The surrounding area is residential in nature with the properties in Ullswater Close and no's 123-137 Coniston Road which lie immediately adjacent to the site being characterised by terraces of three storey townhouses.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and one letter of representation was received which can be summarised as follows:-

- o I would like to strenuously object to the proposed development for the following reasons:
- o The site plan is mis-leading, the proposed development relies almost entirely on siting of the fence which separates the property from Coniston Road being on the boundary line, rather than where the fence was sited when the property was originally constructed.
- o The re-location of this fence to the boundary line was the subject of Planning Application ref: 16/03372/FULL6 which was rejected under delegated powers by Bromley Council on 8th September 2016. The proposed development should be dismissed for this reason alone.

- o I live at number 125 Coniston Road, which is the property shown on both the existing and proposed site plans. What isn't shown on these plans is the location of the windows on my property. Clearly when these properties were originally built 2 Ullswater Close was situated in that position so that there would be no mutual overlooking issues. With the proposed development there is clearly an issue in that windows on the first floor will allow a direct line of site into our first floor master bedroom, whilst I accept that these are designated as windows for a wardrobe and bathroom, the application makes no mention as to whether these are to be obscured glazing, and sets a precedent were there to be any future layout changes on this floor.
- o The other overlooking issue raised by this proposal is that from our master bedroom there will be a direct line of site between the first floor master bedroom at 125 Coniston and the large ground floor living area that is to be created and to be fitted with large glazed bi-fold doors. This will create not only further issues for us in terms of privacy for our bedroom, but also any future inhabitants of 2 Ullswater who will have to deal with overlooking of their living area.
- o Finally, 2 Ullswater Close is located on a prominent corner plot on Coniston Road, which was accepted by the council in their refusal of Planning Application ref: 16/03372/FULL6 as "an open area". The bulk of this proposed extension and its proximity to Coniston Road would be out of keeping with the area, dominating the corner, and adding nothing but a very bland brick elevation of no architectural merit which will serve to erode the feeling of openness which categorises the road.

Comments from Consultees

Tree Officer-

Only one sycamore tree situated to the front of the dwelling remains a development constraint. Permission was granted to remove four of the sycamore trees under application reference 17/02986/TPO. I had no objections to the retention of the fence, but the proposed two-storey extension will have a significant impact on the remaining protected tree. No arboricultural support has been provided in this application. Tree survey data would be a minimum request. Until this is addressed, I would recommend refusal with the following reason:

1. The application has failed to address the impact on the sycamore tree situated in the front garden. This tree was subject of a previous application refused in part. No supporting arboricultural information has been provided. In the absence of this information, the application conflicts with Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).

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:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o 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 subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. 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

- 7.4 Local Character
- 7.6 Architecture

Unitary Development Plan

- BE1 Design of New Development
- H8 Residential Extensions
- H9 Side Space
- NE7 Development and Trees

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

The property was originally constructed as part of a development for 30 townhouses and garages under ref: 70/00936, with subsequent landscaping details allowed under ref: 70/02198.

Under ref: 72/00323 planning permission was refused for the conversion of the existing integral garage to form utility room and erection of substitute attached single garage at side.

Under ref: 72/03223 planning permission was refused for a detached garage.

Under ref: 16/03372 planning permission was refused for boundary fence at side to match existing.

Under ref: 17/02986/TPO permission was granted to fell 4 x sycamore trees.

Under ref: 17/02986/TSPLD permission was refused to fell 1 x sycamore tree.

Considerations

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

- o Design
- o Trees
- o Neighbouring amenity
- o CIL

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.

Policy BE1 requires a high standard of design in new development and the scale and new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

Policy H9 requires proposals of two or more storeys in height to provide a minimum 1m space from the side boundary and proposals will be expected to provide a more generous side space in the case of corner properties.

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 side extension would only leave a 1m side space to the boundary, given the site is located on the corner of Ullswater Close this is considered an insufficient separation and would not respect the existing spacious corner junctions of the area. Furthermore the side extension would be almost the same width as the main dwellinghouse making it appear bulky and over-prominent within the street scene. The eaves height, ridge height and roof design would also appear alien when compared to the main dwellinghouse. The eaves and ridge height would not match that of the main dwellinghouse and the side extension would have a hipped roof where the main dwellinghouse and surrounding properties all have gabled ended roof profiles. The proposed two storey side extension is not considered to be a sympathetic addition to the property or the wider streetscene.

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. Tree preservation orders will be used to protect trees of environmental importance and visual amenity. When trees have to be felled, the Council will seek suitable replanting.

The application property is located on the corner of Ullswater Close and Coniston Road and benefits from an area of grass which forms part of the side and front garden of the host dwelling. There are a number of trees located along the edge of the grassed area adjacent to the footway of Coniston Road and the application. The applicant applied in 2017 to have 5 sycamore trees felled. Permission was granted to fell 4 as they were deemed early specimens grown with poor form however a sycamore (in the front of the property) was worthy of retention given its maturity, height and normal vitality.

As part of the current application the sycamore tree to the front of the dwelling remains a development constraint. The Council's Tree Officer was consulted and considers that the proposed two-storey side extension would have a significant impact on the remaining protected tree. No arboricultural information has been provided to support the application. Until this is addressed the Tree Officer recommends the refusal of the application on the basis that the development could damage the existing sycamore tree situated in the front garden.

Neighbouring amenity

Policy BE1 of the UDP and Policy 7.6 of the London Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

One letter of objection has been received from 125 Coniston Crescent who are situated directly behind No.2 Ullswater Close. One of the issues raised relates to a loss of privacy and mutual overlooking. The window in the first floor flank and rear elevation serves an ensuite which can be conditioned to ensure that the windows are obscure glazed. The new rear window in the first floor rear elevation serves a wardrobe area. It is considered that this secondary window would not any more overlooking or loss of privacy than the existing rear windows of the main dwellinghouse. Issues regarding design and trees have been addressed in the relevant sections above.

Conclusion

Having had regard to the above, it was considered that the proposal is not acceptable in that it would impact detrimentally on the character of the surrounding 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.

Consultations

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Planning Considerations

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Conclusions

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Decision

Application Refused

For conditions or grounds of refusal please refer to the Decision Notice