

LONDON BOROUGH OF BROMLEY

TOWN PLANNING RENEWAL AND RECREATION DEPARTMENT

DELEGATED DECISION on 17th July 2020

20/01833/FULL6 **Hillary Mount**
 Crab Hill
Catherine **Beckenham**
Lockton **BR3 5HH**

Description of Development

Part one/two storey rear extension, loft conversion with side and flank dormers and a raised front gable with elevational changes. Revision of previously approved application DC/19/03715/FULL6

Proposal

The application seeks planning permission for a part one/two storey rear extension, loft conversion with side and flank dormers and a raised front gable with elevational changes. Revision of previously approved application DC/19/03715/FULL6.

The development can be divided into 8 main elements:

1. Part one/two storey rear extension would project 4m in depth at both ground and first floor and 6.5m in width at ground floor decreasing to 4.5m in width at first floor;
2. Alterations to front gable and increase in height;
3. Flank dormer to northern side provide en-suite bathroom to bedroom 1;
4. Rear dormer;
5. Accommodation in the roofspace;
6. Replacement timber cladding to be stained dark anthracite;
7. Replacement of windows;
8. Window within front gable to be replaced with tall double gazed clear window;
9. Solar voltaic panels to southern side roof slope.

The proposed development is the same as that approved under ref: 19/03715/FULL6 with the exception of the part one/two storey rear extension which has been increased in depth by 1.3m (from 2.7m to 4m).

The application is accompanied by a Design and Access Statement. An Arboricultural Impact Assessment which was submitted within the previous application ref: 19/03715/FULL6 was also submitted on 15.07.20 in relation to this current application.

Location and Key Constraints

The site is located on the western side of Crab Hill and comprises a two storey detached dwellinghouse within substantial grounds located within the Downs Hill Conservation Area.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and no representations were received.

Comments from Consultees

Conservation Officer: The amendment seems to be to the rear and would not really affect views in the context of the conservation area. Subject to this being the case there is no objection from the conservation area point of view.

Highways: Existing and proposed driveway and parking appears to be the same so there is no objection.

Trees: Please include a condition requiring a Tree Protection Plan.

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.

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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
- 7.8 Heritage assets and archaeology
- 7.21 Trees and woodlands

Draft New London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application. Paragraph 48 of the NPPF states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

The draft New London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This was

version of the London Plan which the Mayor intended to publish, having considered the report and recommendations of the panel of Inspectors.

The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.

After considering the 'Intend to Publish' Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor identifying directed changes to a number of policies in the draft plan. The SoS considered these changes were necessary to address concerns regarding inconsistencies with national policy. The Mayor cannot publish the New London Plan until the directed changes have been incorporated, or until alternative changes to address identified concerns have been agreed with the SoS. This could affect the weight given to the draft plan with regard to the directed policies.

At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations. However, where no modifications have been directed the draft London Plan policies are capable of having significant weight (as seen in a recent SoS call-in decision in the Royal Borough of Kensington and Chelsea). Where specific draft London Plan policies have been given particular weight in the determination of this application, this is discussed in this report.

Policy D4 Delivering good design
Policy HC1 Heritage conservation and growth
Policy G7 Trees and woodlands

Bromley Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development
41 Conservation Areas
43 Trees in Conservation Areas
73 Development and Trees
74 Conservation and Management of Tree and Woodlands

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance
SPG - Downs Hill Conservation Area

Planning History

The relevant planning history relating to the application site can be summarised as follows;

Under ref: 87/01584/FUL, planning permission was refused for the construction of a two storey side extension for the following reason;

"The proposed extension, by reason of its prominent projection forward of the dwelling would be an incongruous and obtrusive feature in the street scene detrimental to the visual amenities and character of the area."

More recently, under ref: 19/03715/FULL6, planning permission was granted for part one/two storey rear extension, side and flank dormers together with elevational alterations.

Considerations

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

- o Design, Scale and Impact on Conservation Area
- o Neighbouring amenity
- o Trees

Design, Scale and Impact on Conservation 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 Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

Policies 6 and 37 of the Bromley Local Plan 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. These policies are supported by Policies 7.4 and 7.6 of the London Plan.

Policy 8 of the Bromley Local Plan also states that "when considering applications for new residential development, including extensions, the Council will normally require the following:

- a - 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 building;
- or
- b - where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space".

As the application site lies within the Downs Hill Conversation Area, the impact of the proposed development on the character and appearance of the conservation area, in terms of its scale and design, also needs to be considered.

The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. 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 directly or indirectly affect 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

Policy 41 of the Bromley Local Plan states that proposals for development in Conservation Areas should preserve and enhance its characteristics and appearance by respecting or complementing the layout, scale, form and materials of existing buildings and spaces; respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and using high quality materials. This Policy is supported by Policy 7.8 of the London Plan.

The proposed development is the same as that approved under ref: 19/03715/FULL6 with the exception of the part one/two storey rear extension which has been increased in depth by 1.3m (from 2.7m to 4m). Therefore, the principle of the development has been established and the main consideration is the impact of the increased depth of the extension on the character and appearance of the host dwelling and area within which it lies, as well as the impact on the amenities of neighbouring occupants.

In this case it is noted that the existing building makes a positive contribution to the Conservation Area, and the building forms part of cohesive urban form. The proposed extension would project 4m to the rear, but would not extend the full width of the dwelling or beyond its existing side elevations. Given the size of the host dwelling and site within which it lies, the size of the proposed rear extension is considered to be acceptable. Furthermore, its design would be in keeping with the appearance of the host dwelling.

The proposed increased depth of the rear extension would not be visible from the wider conservation area and therefore it would not result in any increased impact on its character or appearance than that already considered under the previously approved application.

Having regard to the above it is considered that the development proposed would complement the scale and form of the host dwelling and would preserve the character and appearance of the conservation area within which it lies.

Neighbouring amenity

Policy 37 of the Bromley Local 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. This is supported within Policy 7.6 of the London Plan.

The main consideration in terms of the impact on neighbouring amenity is that of the increased depth of the proposed rear extension on the light and outlook to the immediate neighbours to the north (Downside) and south (Dark Pines), as well as the impact of the additional ground floor window to the northern elevation of the extension on the privacy of the neighbouring property to the north (Downside). The remainder of the extension would be as approved under ref: 19/03715/FULL6.

The proposed part one/two storey rear extension would be located approximately a minimum of 9m from the southern side boundary and a minimum of 3m from the

northern side boundary. It would have a low ridge height, compared to that of the main dwelling, with a cat slide roof to the northern side.

Taking account of the siting of the proposed part one/two storey rear extension in relation to both neighbouring properties, along with its size and height, it is considered that it would not have a significant impact in terms of overshadowing or loss of light, nor would result in an overbearing impact or loss of outlook.

The proposed additional window within the northern ground floor flank elevation of the extension would face towards the neighbouring property 'Downside'. There are already windows within the northern flank elevation of the existing dwelling and given its ground floor location, the proposed window is not considered to result in any significant additional opportunities for overlooking or undue loss of privacy to the occupiers of this neighbouring dwelling.

Having regard to the above, the proposed development is not considered to give rise to any significant loss of amenity with particular regard to light, outlook, prospect and privacy.

Trees

Policy 73 (Development and Trees) states that proposals for new development will be required to take particular account of existing trees on the site and adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.

Policy 74 (Conservation and Management of Tree and Woodlands) seeks to encourage appropriate beneficial management and appropriate new tree planting in suitable locations and to promote public interest in and enjoyment of trees and woodlands.

In addition, Policy 43 of the Bromley Local Plan refers specifically to Trees in Conservation Areas and states that development will not be permitted if it will damage or lead to the loss of one or more significant and/or important trees in a Conservation Area, unless a) the removal of the tree is necessary in the interest of good arboriculture practice, or b) the benefit of the development outweighs the amenity value of the tree.

The site is located within the Downs Hill Conservation Area and benefits from large trees within the site which are protected under this legislation. These trees provide natural screening and contribute to the aesthetics of the area.

The application is supported with arboricultural input and addresses tree constraints associated with the proposed re-development of the site. As such no technical objections are raised subject to a condition requiring submission of a Tree Protection Plan.

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, and would preserve the characteristics and appearance of the host dwelling and the wider Downs Hill Conservation Area within which it lies. It would also not result in any adverse impact to trees within the site, subject to appropriate conditions.

The application is therefore considered to accord with the overarching aims and objectives of Policies 6, 8, 37, 41, 43 and 73 of the Bromley Local Plan and Policies 7.4, 7.6, 7.8 and 7.21 of the London Plan.

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.

Decision

Application Permitted

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