

S2

Agenda Section: 2

Application No: 09/00036 Ward: Shortlands

Address: 114 Shortlands Road, Bromley, Kent, BR2 0JP

OS Grid Ref: E: 538682 N: 168631

Applicant: Mr P Denis

Objections: Yes

Conservation Area: Yes

Description of Development:

Elevational alterations and conversion of 114 to provide a total of 5 flats and 8 car parking spaces including detached annexe and erection of one detached five bedroom house with associated parking and access drive at rear. Demolition of 112 and replacement detached four bedroom dwelling plus associated car parking.

Joint report with application ref. 09/00104/LBC

Proposal

This report sets out the planning background related to a planning application and an application for Listed Building Consent which are both the subject of appeals against non – determination. Members are therefore asked to consider the proposals and the recommended grounds for contesting the appeal.

The proposal essentially contains 4 different elements:

1. The alterations and conversion of the main building (114) into 5 flats
2. The demolition of the link extension to create a one bedroom detached annexe.
3. The demolition of 112 and its replacement with a detached four bedroom house

4. The construction of one detached five bedroom dwelling on land at the rear of 114.

With regard to the first element of the proposals the Listed Building Consent application and the planning application submitted involve internal alterations to accommodate 1 three bedroom flat, 2 two bedroom flats 1 one bedroom flat, together with an en-suite guest bedroom and one separate two bedroom flat contained within a detached annexe. To accommodate the new internal arrangements a single storey and first floor extension is proposed along with the removal of two flats from the original building at 114 Shortlands Road together with elevational alterations.

The second element of the proposals also involves the demolition of the link to the billiard room which will result in the creation of a detached two bedroom garden flat (annexe).

The third element of the proposals involves the demolition of the existing dwelling at 112 which is currently attached to 114. A new four bedroom detached dwelling at 112 is proposed and set forward on the plot.

The final element of the proposals involves a detached house set within part of the rear garden to the side of the main house. A new access is also proposed to serve the detached houses; whilst the existing accesses to 112 and 114 will be retained. The proposed driveway to the new rear dwelling will run along the northern boundary of the site, before opening out in front of the building.

Location

The application site is located on the west side of Shortlands Road and is occupied by two buildings. The main house (No. 114) was constructed in 1868 and sits back from the main road and has a single access and gravelled driveway leading directly from the road with parking in front of the building. The second building, known as the Coach House (No.112), sits further forward on the plot and closer to the road. It has a separate access from the road and is physically joined to the main house by a flat roofed structure. The main house (114) has recently been designated a Grade II Listed Building by English Heritage. The buildings are currently occupied by 7 flats and 1 house. The site has a total area of 0.37 hectares.

The application site borders several properties fronting Shortlands Road, Waldron Gardens and Scotts Lane. To the north of the site is a single storey building used as a local library. The site is within the Shortlands Road Conservation Area which was designated in 1989. The character and appearance of the Conservation Area is described in the Council's Supplementary Planning Guidance.

Comments from Local Residents

- the proposal results in loss of privacy and amenity
- the proposal would completely change the street scene within this conservation area
- the proposal would result in traffic congestion
- the proposal results in the destruction of gardens and wildlife
- a petition has been received which strongly objects to the proposal on the basis of overdevelopment loss of privacy and amenity
- the proposal harms the setting of the listed building
- whilst attempts to preserve the future of this historically important building are welcomed, the application drawings are completely lacking in any analysis of the interior and its features of interest
- there is little information on the interior alterations with no room by room details of existing features
- PPG15 concerning Listed Buildings stipulates that details of internal features and layouts should be provided before any works to a Listed Building can be considered
- 112 makes a positive contribution to the area and street scene with the replacement building being too large and bulky harming the setting of the Listed Building.

Comments from Consultees

From a highways point of view, there are no technical objections subject to several conditions being imposed on any approval regarding highway safety and parking areas.

From a drainage point of view, approval from Thames Water would be required if the developer proposes to connect to a public sewer

Planning Considerations

The application falls to be determined in accordance with S.72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that conservation area.

The proposal falls to be considered primarily with regard to the following policies:

- BE1 Design of New Development
- BE8 Statutory Listed Buildings
- BE11 Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space

T3 Parking
T18 Road Safety
NE7 Development and Trees

It also falls to be considered under policies 3A.3 (Maximising the Potential Of Sites), 4A.3 (Sustainable Design and Construction), 4B.1 (Design principles for a compact city), 4B.8 (Respect local context and communities) of The London Plan (Consolidated with Alterations since 2004)

Government guidance, including PPS3 and PPG15 requires Councils to maximise the best use of urban land without compromising the quality of the environment, but also to retain development that makes a positive contribution to an area.

The Supplementary Planning Guidance for the Shortlands Conservation Area is a further consideration.

In terms of trees and landscaping, the proposed layout in its current form lacks information on how the impact on existing trees can be minimised. There would be potential for post development pressure to remove or severely cut back existing trees to the rear of the site. There would also be significant harm to root protection areas to a number of trees to the front and rear of the site. Further information to determine whether a number of these issues can be considered through appropriate planning conditions has yet to be received. Any additional documents received which address these concerns will be reported verbally at the meeting.

From a heritage and urban design perspective, further information should be provided concerning the demolition of 112 and the replacement building. More information on its replacement to assess its impact on the setting of the Listed Building is required. The removal of the unsympathetic extensions would improve the appearance of this Listed Building. However further information is needed on the internal works proposed. The Listed Building is occupied and appears not at risk the current proposal for a house to the rear is contrary to policy.

Planning History

Under planning application ref. 08/00603, permission was refused for elevational alterations and conversion of 114 to provide a total of 5 flats and 8 car parking spaces including detached annexe and erection of 2 semi -detached four bedroom houses with associated parking and access drive at rear; demolition of 112 and replacement detached four bedroom dwelling plus associated car parking.

The proposal was considered detrimental to the amenities that the occupiers of adjoining properties might expect to be able to continue to enjoy by reason of

visual impact and loss of prospect, contrary to Policies H7 and BE1 of the Unitary Development Plan. It was also considered that the proposed parking layout and the vehicular access to the parking located close to the boundaries of the site would be detrimental to the amenities of the occupiers of the adjoining dwellings by reason of noise and disturbance associated with its use, contrary to Policies H7 and BE1 of the Unitary Development Plan. The proposed development was also considered to constitute an undesirable form of piecemeal backland development, out of character and scale with adjoining development and detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy in the form of secluded rear garden areas, contrary to Policies BE1 and H7 of the Unitary Development Plan.

Under planning application ref. 08/00641, Listed Building Consent for application ref. 08/00641 was refused by decision notice dated 2nd May 2008 on the following ground:

The existing building is of architectural merit and an important element within the existing street scene. In light of the refusal to grant planning permission for development submitted under ref: 08/00603 the loss of the building at 112 would leave an unsightly gap that would detract from character of the Conservation Area and the setting of the listed building.

Conclusions

The main issues in this case are whether the current proposals would harm the character and appearance of the Conservation Area and the setting of the Listed Building, and whether the proposals would result in an overdevelopment of the site, or be detrimental to the amenities of adjacent residents in terms of visual impact, prospect and outlook and increased noise and disturbance. A further issue is the potential impact to the existing trees within the site as a result of the development.

With regards to the first element of the scheme, the alterations and conversion of the main building into flats is considered acceptable in principle. However Members should be aware that concerns have been raised by local residents relating to the details provided within the Listed Building application. This listed building is particularly significant as it is one the early works of Norman Shaw, a foremost architect in the Arts and Crafts style. Information contained within the application was limited with regards to the internal works and the removal of features which may contribute to the character of the listed building and are part of the reason for its being listed. Members will wish to consider whether the details of the internal works proposed here for the flats is not sufficient to assess the impact on the historical or architectural value of the building. In this application it is particularly important that any changes are in character with the rest of the building and that there is no unacceptable damage to the fabric.

In respect of the second element of the proposals the demolition of the link extension and creation of a separate annex flat is considered to be acceptable in principle. However, again there is limited information contained within the Listed Building application concerning the internal arrangements following these works.

The third element of the proposal involving the demolition of 112 is considered to be acceptable in principle, however there is limited information provided to assess the potential impact on the setting of the Listed Building. No street scene elevation showing the relationship of the new building and its relationship with the existing Listed Building has been provided, however, any additional documents received which address these concerns will be reported verbally at the meeting.

With regards to the final aspect of the development, the proximity of the proposed detached house is such that there will be undue visual impact upon the neighbouring properties. Even with careful arrangement of windows in this new property to limit direct overlooking, it is considered that it will result in loss of prospect and have a significant visual impact. The application site adjoins several properties fronting Shortlands Road, Waldron Gardens and Scotts Lane. The house proposed to the rear of the site will dominate the outlook from these existing properties and will also be overbearing upon the rear section of these neighbouring gardens and properties fronting Shortlands Road, Waldron Gardens and Scotts Lane.

It is considered that the proposed development to the rear would involve the unacceptable sub-division of existing rear gardens which is out of character with the adjoining and surrounding residential dwellings and in conflict with Policy H7 and BE1 of the Unitary Development Plan.

PPS3 Housing (November 2006) states that new housing development should not be viewed in isolation. Consideration of good design and layout must be informed by the wider context, having regard not just to any immediate neighbouring buildings, but to the townscape and landscape of the wider locality, which can help contribute to the creation of sustainable, mixed communities. In this case it is considered the development proposed does not respect the character of the area.

Due to the location of the proposed access road the development would constitute a form of backland development. The built development policies referred to above encourage increased densities on existing built up land subject to there being sufficient regard to the prevailing character of the area and the amenities of adjacent residents. The area presently is characterised by detached houses in substantial plots. It is accepted that in order to achieve higher densities on such sites some subdivision of plots can in certain cases be considered appropriate which as a result causes some diminution of spatial standards. However, the proposed scheme would provide spatial standards that are reduced to such an extent that they would detrimentally impact upon the

character of the area and the amenities that the occupants of neighbouring properties might continue to enjoy due to the loss of the existing secluded rear garden areas which predominantly form the existing character of the conservation area. The size of the proposed plot to the rear remains out of character with the spatial standards of surrounding development and as a result the development would appear cramped and overdeveloped.

Due to the proximity of the parking layout and the vehicular access located close to the boundaries of the application site, it is considered that there will be undue harm caused by increased noise and disturbance associated with its use.

With regards to the impact on the existing trees within the site, the information provided is inadequate to ensure the health and retention of trees and the applicants have been informed of this concern. Negotiations are still ongoing with the Council to attempt to resolve this concern along with the concerns raised regarding the Listed Building Consent.

Having had regard to the above, it is considered that the siting, size and design of the proposed dwelling to the rear of the site is harmful to the character and appearance of the area and detrimental to residential amenities.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/00603, 08/00641, 09/00104 and 09/00036, excluding exempt information.

On the basis of the information available, the following grounds to contest the appeal are suggested.

RECOMMENDATION: RESOLVE TO CONTEST APPEAL

Grounds for contesting the Appeal are as follows:

- 1 The proposal would be detrimental to the amenities that the occupiers of adjoining properties might expect to be able to continue to enjoy by visual impact and loss of prospect, contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 2 The proposed parking layout and the vehicular access to the parking located close to the boundaries of the site would be detrimental to the amenities that the occupiers of the adjoining dwellings might reasonably be able to expect to continue to enjoy by reason of noise and disturbance associated with its use, contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 3 The proposed development constitutes an undesirable form of piecemeal backland development, out of character and scale with adjoining development and detrimental to the existing level of amenity which the

occupants of neighbouring properties might reasonably expect to continue to enjoy in the form of secluded rear garden areas, contrary to Policies BE1 and H7 of the Unitary Development Plan.

Reference: 09/00036/FULL1

Address: 112 Shortlands Road Shortlands Bromley BR2 0JP

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