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THE LONDON BOROUGH  
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To: Members of the  
**PLANS SUB-COMMITTEE NO. 2**

Councillor Peter Dean (Chairman)  
Councillor Russell Jackson (Vice-Chairman)  
Councillors Simon Fawthrop, Peter Fookes, David McBride, Alexa Michael,  
Gordon Norrie, Harry Stranger and Michael Turner

A meeting of the Plans Sub-Committee No. 2 will be held at Bromley Civic Centre on  
**THURSDAY 15 JULY 2010 AT 7.00 PM**

MARK BOWEN  
Director of Legal, Democratic and  
Customer 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**

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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*  
[www.bromley.gov.uk/meetings](http://www.bromley.gov.uk/meetings)

## A G E N D A

- 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS**
- 2 DECLARATIONS OF INTEREST**
- 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 20 MAY 2010**  
(Pages 5 - 14)
- 4 PLANNING APPLICATIONS SUBMITTED BY THE LONDON BOROUGH OF BROMLEY**

Report No.	Ward	Page Ref.	Application Number and Address
4.1	Bromley Town Conservation Area	15 - 18	(10/01196/FULL1) - Community House, South Street, Bromley.
4.2	Bromley Common and Keston	19 - 26	(10/01278/FULL1) - Princes Plain Primary School, Church Lane, Bromley.
4.3	Mottingham and Chislehurst North	27 - 30	(10/01310/FULL1) - Mottingham Community Centre, Kimmeridge Road, Mottingham.

## **5 APPLICATIONS MERITING SPECIAL CONSIDERATION**

Report No.	Ward	Page Ref.	Application Number and Address
5.1	Petts Wood and Knoll	31 - 36	(10/00982/FULL6) - 197 Chislehurst Road, Orpington.
5.2	Copers Cope	37 - 44	(10/01044/FULL1) - Rear Of, 80 High Street, Beckenham.
5.3	Bromley Common and Keston	45 - 50	(10/01114/FULL6) - 358 Southborough Lane, Bromley.
5.4	Petts Wood and Knoll Conservation Area	51 - 56	(10/01128/FULL6) - 253 Chislehurst Road, Orpington.
5.5	Petts Wood and Knoll	57 - 64	(10/01185/FULL6) - 27 Great Thrift, Petts Wood.
5.6	Bromley Common and Keston	65 - 68	(10/01228/FULL6) - 427 Southborough Lane, Bromley.

5.7	Penge and Cator	69 - 74	(10/01253/FULL1) - 46 Green Lane, Penge, London, SE20.
5.8	Cray Valley West	75 - 80	(10/01359/FULL6) - 88 Friar Road, Orpington.
5.9	Orpington	81 - 88	(10/01375/FULL1) - 136 - 140 High Street, Orpington.
5.10	Darwin	89 - 96	(10/01401/FULL6) - Cedar Farm, Cudham Lane South, Cudham.

## **6 APPLICATIONS RECOMMENDED FOR PERMISSION, APPROVAL OR CONSENT**

Report No.	Ward	Page Ref.	Application Number and Address
6.1	Crystal Palace Conservation Area	97 - 102	(10/00564/FULL1) - 9A Crystal Palace Park Road, Sydenham, London, SE26.
6.2	Biggin Hill	103 - 114	(10/00909/FULL1) - 49 Sunningvale Avenue, Biggin Hill.

## **7 APPLICATIONS RECOMMENDED FOR REFUSAL OR DISAPPROVAL OF DETAILS**

Report No.	Ward	Page Ref.	Application Number and Address
7.1	Darwin	115 - 122	(10/00649/FULL1) - Land North East of Summer Shaw, Cudham Lane North, Cudham.
7.2	Mottingham and Chislehurst North	123 - 130	(10/01016/FULL1) - The Elms and Land adjacent, Mottingham Lane, Mottingham.

## **8 CONTRAVENTIONS AND OTHER ISSUES**

Report No.	Ward	Page Ref.	Application Number and Address
8.1	Shortlands	131 - 132	(DRR10/00075) - Alterations to Approved Driveway Layout and Planting Pursuant to Landscaping Scheme at 15 Durham Avenue, Bromley.

8.2	Bickley	133 - 136	(DRR/10/00076) - Non-Compliance with Enforcement Notice, 10 Homefield Road, Bromley.
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**9 TREE PRESERVATION ORDERS**

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

**10 MATTERS FOR INFORMATION:- ENFORCEMENT ACTION AUTHORISED BY CHIEF PLANNER UNDER DELEGATED AUTHORITY**

**NO REPORTS**

## PLANS SUB-COMMITTEE NO. 2

Minutes of the meeting held on 20 May 2010

### Present:

Councillor Peter Dean (Chairman)  
Councillors Simon Fawthrop, Peter Fookes,  
Russell Jackson, David McBride, Alexa Michael,  
Gordon Norrie, Harry Stranger and Michael Turner

### 1 APOLOGIES FOR ABSENCE AND NOTIFICATION OF ALTERNATE MEMBERS

No apologies for absence were received, all members were present.

### 2 DECLARATIONS OF INTEREST

Cllr Russell Jackson declared a prejudicial interest in Item 4.1; he left the room for the debate and vote. Cllr Peter Dean declared a personal interest in Item 4.9. Cllr Michael declared a personal interest in Item 20; she left the room for the debate and vote.

### 3 CONFIRMATION OF MINUTES OF MEETING HELD ON 18 MARCH 2010

**RESOLVED** that the Minutes of the meeting held on 18 March 2010 be confirmed.

### 4 PLANNING APPLICATIONS

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#### **SECTION 1**

(Applications submitted by the London Borough of Bromley)

**NO REPORTS**

**SECTION 2**

(Applications meriting special consideration)

**4.1  
KELSEY AND EDEN PARK**

**(09/02760/FULL1) - Langley Park Sports and Social Club, Hawksbrook Lane, Beckenham.**

Description of application - Single storey detached building to provide changing rooms 2 all weather 5 a side football pitches with 6 floodlights (8.3m high) and 3.1m high timber/ mesh fencing around perimeter.

Oral representations in support of the application were received at the meeting. It was reported that Environmental Health had no objection to the application.

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

1. The proposal is inappropriate development detrimental to the openness and visual amenities of Metropolitan Open Land and the Council sees no very special circumstances which might justify the grant of planning permission as an exception to Policy G2 of the Unitary Development Plan.
2. The proposal will result in harm to the amenities of occupants of nearby residential dwellings by reason of light pollution and increased noise and disturbance contrary to Policies BE1 and ER10 of the Unitary Development Plan.

**4.2  
CHISLEHURST  
Conservation Area**

**(09/03560/FULL1) - Brookside, Kemnal Road, Chislehurst.**

Description of application - Demolition of existing dwelling and outbuildings and erection of detached two storey 5 bedroom dwelling including accommodation in roof and detached triple garage with accommodation over and new vehicular access, driveway and bridge and landscaping.

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

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

**4.3**  
**CHISLEHURST**  
Conservation Area

**(09/03616/CAC) - Brookside, Kemnal Road,  
Chislehurst.**

Description of application - Demolition of existing dwelling and outbuildings  
CONSERVATION AREA CONSENT.

Oral representations in support of the application were received at the meeting.  
Members having considered the report and representations, **RESOLVED THAT CONSERVATION AREA CONSENT BE GRANTED** as recommended, subject to the condition set out in the report of the Chief Planner.

**4.4**  
**CRAY VALLEY EAST**

**(10/00211/FULL2) - Crouch Farm, Crockenhill Road, Swanley.**

Description of application - Change of use of agricultural buildings to Class B1/B8 commercial use including elevational alterations and ancillary car and van parking spaces.

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

**4.5**  
**CHISLEHURST**  
Conservation Area

**(10/00214/FULL6) - 28 Camden Park Road,  
Chislehurst**

Description of application - Single storey rear extension with swimming pool and cinema room in basement and roof alterations incorporating two rear dormers.

Members having considered the report and objections **RESOLVED THAT PERMISSION BE GRANTED** for the reasons and subject to the conditions and informative set out in the report of the Chief Planner.

**4.6**  
**BROMLEY COMMON AND  
KESTON**

**(10/00454/FULL1) - Rangers, Jackass Lane,  
Keston.**

Description of application - Deposit of materials/ increase in ground levels to form horse riding arena.

Oral representations in support of the application were received at the meeting.  
Members having considered the report and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reasons set out in the report of the Chief Planner.

**4.7**  
**HAYES AND CONEY HALL**

**(10/00507/FULL6) - 2 Hayesford Park Drive,  
Bromley.**

Description of application - Alterations to roof including front dormer to provide additional accommodation at first floor level and pitched roof to existing single storey rear extension.

Comments from Ward Member, Councillor Mrs Anne Manning, were reported.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Chief Planner.

**4.8  
MOTTINGHAM AND  
CHISLEHURST NORTH**

**(10/00530/FULL6) - Casa Bello, 13A Court Farm Road, Mottingham.**

Description of application - Single storey front extension and conversion of garage into a habitable room.

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.

**4.9  
PLAISTOW AND  
SUNDRIDGE**

**(10/00574/TPO) - Sundridge Park Golf Club, Garden Road, Bromley.**

Description of application - Fell 4 oak trees at Sundridge Park golf course, opposite 107 New Street Hill, Bromley. SUBJECT TO TPO 690.

Members having considered the report and objections, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

**4.10  
PETTS WOOD AND KNOLL**

**(10/00680/FULL6) - 144 Petts Wood Road, Petts Wood.**

Description of application - Roof alterations incorporating rear dormer extension.

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

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

1. The proposal, by reason of its excessive bulk, would harm the residential amenities of the occupants of the adjacent dwellings and the visual amenities of the Petts Wood Area of Special Residential Character contrary to Policies H8, H10 and BE1 of the Unitary Development Plan.



4.11  
CHISLEHURST

**(10/00776/FULL2) - 76 Green Lane, Chislehurst.**

Description of application - Change of use from former Royal British Legion Club to convenience food retailer.

Members having considered the report and objections, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration to invite the applicant and/or objector to speak at the Sub-committee when the application is determined.

4.12  
CHISLEHURST

**(10/00943/FULL1) - Babington House School, Grange Drive, Chislehurst.**

Description of application - Temporary classroom.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED UNTIL 31 JULY 2011** as recommended, subject to the conditions set out in the report of the Chief Planner with the deletion of condition 1.

4.13  
PETTS WOOD AND KNOLL  
Conservation Area

**(10/00972/FULL2) - 5 Station Square, Petts Wood,**

Description of application - Change of use from vacant retail unit (Class A1) to shopfront.

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 an amendment to condition 3:

“3. Customers shall not be admitted to the premises before 11am on any day and all customers shall have left the premises by 11pm on Mondays to Saturdays and by 10.30pm on Sundays and Bank Holidays.

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

4.14  
CHISLEHURST

**(10/01038/FULL1) - Babington House School, Grange**

Description of application - Proposed temporary car park for 20 cars with access off Clifford Avenue.

Members having considered the report, **RESOLVED THAT PERMISSION BE GRANTED UNTIL 31 JULY 2011** as recommended, subject to the conditions set out in the report of the Chief Planner with the deletion

of condition 1.

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**SECTION 3**

(Applications recommended for permission, approval or consent)

**4.15  
MOTTINGHAM AND  
CHISLEHURST NORTH**

**(09/03017/FULL1) - 41 Mottingham Road,  
Mottingham.**

Description of application - Change of use of ground floor from retail shop (Class A1) to hot food takeaway (Class A5) and ventilation ducting at rear.

Oral representations in support of the application were received at the meeting. Comments from the London Borough of Greenwich in objection to the application were reported.

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 with a further condition:

“3. The use shall not operate on any Good Friday, Christmas Day or New Year’s Day or before 1pm on Remembrance Sunday and customers shall not be admitted to the premises before 11am on any other day and all customers shall have left the premises by 11pm on Mondays to Saturdays and by 10.30pm on Sundays.

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

**4.16  
PLAISTOW AND  
SUNDRIDGE**

**(10/00155/FULL1) - Land adjacent to 23 to 27,  
Thornton Road, Bromley.**

Description of application - One pair of semi detached two storey three bedroom dwellings with accommodation in roof space and provision of new vehicular access from Thornton Road with new turning area and 4 car parking spaces.

Members having considered the report and objections, **RESOLVED that PERMISSION BE GRANTED, SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT** that the new areas of highway and footpath would be dedicated as a highway, as recommended, and subject to the conditions and informatives set out in the report of the Chief Planner with an additional condition and informative:

“12. Details of the proposed slab levels of the buildings 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.

INFORMATIVE 5. A landscape management plan shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation of the development hereby permitted. The plan shall include arrangements and timetable for implementation and shall be carried out in accordance with the approved details.”

**4.17**  
**PETTS WOOD AND KNOLL**  
Conservation Area

**(10/00162/FULL1) - 11 Station Square, Petts Wood,**

Description of application - Alterations to shopfront including installation of ATM machine, air conditioning units and plant on rear elevation and bin store to rear.

Oral representations in support of the application were received at the meeting. It was reported that Environmental Health had no objection to 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.

**4.18**  
**PETTS WOOD AND KNOLL**  
Conservation Area

**(10/00163/ADV) - 11 Station Square, Petts Wood.**

Description of application - Externally illuminated fascia sign.

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

Members having considered the report, objections and representations, **RESOLVED** that the application **BE DEFERRED** without prejudice to any future consideration to seek a reduction of approximately 1 metre in the size of the externally illuminated fascia sign. If agreed, the Sub-committee authorised that this application would then be considered under delegated authority.

**4.19**

**(10/00564/FULL1) - 9A Crystal Palace Park Road,**

**CRYSTAL PALACE**  
Conservation Area

**Sydenham, London, SE26.**

Description of application - New door and timber decking at rear.

Oral representations in objection to and in support of the application were received at the meeting. Members having considered the report, objections and representations, **RESOLVED** that the application **BE DEFERRED** without prejudice to any future consideration to remove the decking from the application and to add a condition regarding the details of the appearance of the door.

**4.20**  
**BROMLEY COMMON AND**  
**KESTON**

**(10/00663/FULL6) - Keryl, Barnet Wood Road, Hayes.**

Description of application - Part one/two storey front, side and rear extension. Front porch canopy and bay window. Elevational alterations.

Members having considered the report and objections, **RESOLVED** that **PERMISSION BE GRANTED** as recommended, for the reasons set out in the report of the Chief Planner.

**4.21**  
**PETTS WOOD AND KNOLL**

**(10/00758/FULL1) - Parish Hall, Greencourt Road, Petts Wood.**

Description of application - Hard surfacing of area to the east of Church Hall.

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

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

1. The proposal will result in an unacceptable increase in noise and disturbance harmful to the residential amenities of the occupants of nearby dwellings thereby contrary to Policy BE1 of the Unitary Development Plan.

**4.22**  
**FARNBOROUGH AND**  
**CROFTON**

**(10/00807/FULL6) - 312 Tubbenden Lane South, Orpington.**

Description of application - Detached single storey building at rear for use as garden room/store.

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

**4.23  
BICKLEY**

**(10/00836/CONDIT) - 73 Homestead Road, Bickley.**

Description of application - Insertion of obscure glazed rooflights in eastern and western roof slopes and ground floor windows on western elevation pursuant to the requirements of condition 3 of planning permission ref. 08/01537 granted for part two storey/first floor extension and single storey side and rear extensions.

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

**4.24  
COPERS COPE**

**(10/00880/FULL1) - St Clare Court, Foxgrove Avenue, Beckenham.**

Description of application - Conversion of existing basement storage area into 2 two bedroom flats and installation of new windows and doors to rear and side elevation. Formation of new storage cellar/communal store room/bicycle and bin store (at No.1- 8 St. Clare Court).

It was reported that further objections to the application had been received.

Members having considered the report and objections, **RESOLVED** that **PERMISSION BE GRANTED** as recommended, subject to the conditions and informative set out in the report of the Chief Planner with a further informative:  
"INFORMATIVE 2. This planning permission does not include approval of the shed/garden building indicated on the site plan."

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**SECTION 4**

(Applications recommended for refusal or disapproval of details)

**NO REPORTS**

**5 CONTRAVENTIONS AND OTHER ISSUES**

**5.1  
WEST WICKHAM**

**Land rear of 35 Beckenham Road, West Wickham**

Members having considered the report, **RESOLVED** that **NO FURTHER ACTION BE TAKEN.**

**5.2 HAYES AND CONEY HALL 244 Pickhurst Lane, West Wickham - Detached building erected in rear garden.**

Members having considered the report, **RESOLVED** that **NO FURTHER ACTION BE TAKEN.**

The Chairman to move that the attached report, not included in the published agenda, be considered a matter of urgency on the following grounds:

**5.3 MOTTINGHAM AND CHISLEHURST NORTH (R&R/10/00055) - 319 Dunkery Road, Mottingham SE9**

Oral representations in favour of no further action being taken were received at the meeting.

Members having considered the report and representations **RESOLVED** that **NO FURTHER ACTION BE TAKEN.**

**6 MATTERS FOR INFORMATION:- ENFORCEMENT ACTION AUTHORISED BY CHIEF PLANNER UNDER DELEGATED AUTHORITY (REPORT DRR10/00045)**

**THE REPORT WAS NOTED.**

The Meeting ended at 9.18 pm

Chairman

## SECTION '4' – Applications submitted by the London Borough of Bromley

**Application No :** 10/01196/FULL1

**Ward:**  
Bromley Town

**Address :** Community House South Street  
Bromley BR1 1RH

**OS Grid Ref:** E: 540393 N: 169447

**Applicant :** London Borough Of Bromley (Mr Simon Horton)      **Objections :** NO

### **Description of Development:**

Replacement high level windows

Key designations:

Conservation Area: Bromley Town Centre

Locally Listed Building

### **Proposal**

The proposal is for the replacement of high level windows at first floor of the building.

### **Location**

The application site is situated at the junction of South Street and Court Street and comprises of a two storey building, part of which is Locally Listed, it also falls within the Bromley Town Conservation Area.

### **Comments from Local Residents**

No representations were received from nearby owners/occupiers regarding this application.

### **Comments from Consultees**

Heritage and Urban design have no objections to this proposal.

APCA did not inspect the application.

Environmental Health has no comments regarding the application.

## **Planning Considerations**

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

BE1 Design of New Development  
BE10 Locally Listed Buildings  
BE11 Conservation Areas

Supplementary Planning Guidance – Bromley Town Centre Conservation Area  
Paragraph 3.27 states that original windows and door proportions, materials and detailing should be retained.

This case is presented to Plans –Sub Committee as it is a Council application and is therefore outside of delegated powers.

## **Planning History**

Application was granted for: change of use from magistrate's court to offices Class B1 with ancillary parking spaces as existing under ref. 95/02582. Under application ref. 98/03003, permission was granted for alterations to fenestration and elevations access ramp to front entrance lift shaft to roof and permission was granted for Security grilles to ground floor windows of the south elevation under ref. 01/03335.

## **Conclusions**

The main issues relating to the application are the effect the alterations would have on the character of the building. The proposal is for selected wooden windows on the first floor of the building to be replaced with new windows also in wood. This complies with the councils Supplementary Planning Guidance for Bromley Town Centre Conservation Area and Councils Policies BE10 and BE11.

Having had regard to the above it was considered that the proposed windows are acceptable; in that they would not impact detrimentally on the character of the building or the Conservation Area.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01196, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | AJ02B  | Justification UNIQUE reason OTHER apps   |



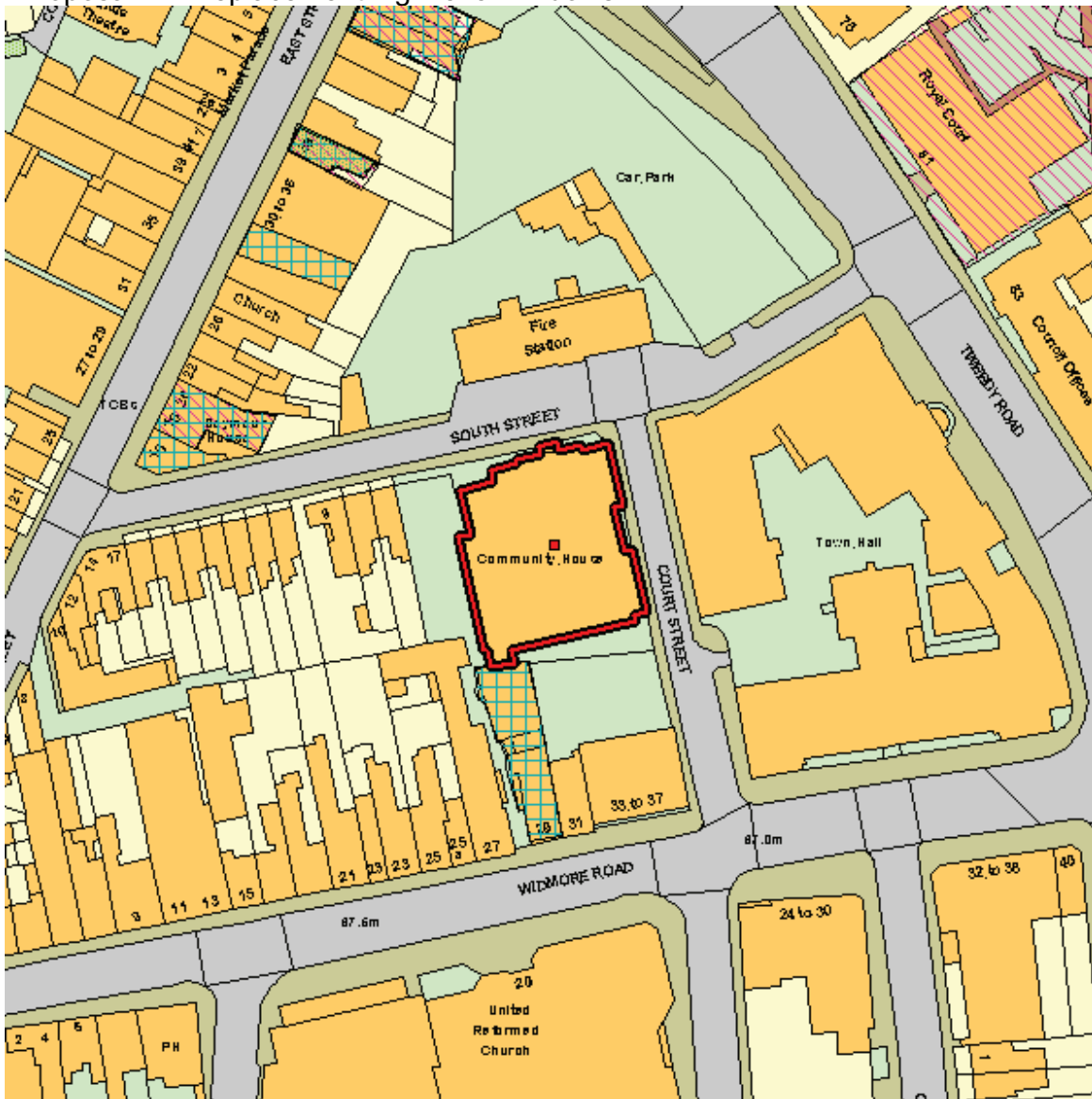
Policies (UDP)

BE1 Design of New Development

BE10 Locally Listed Buildings

BE11 Conservation Areas

Reference: 10/01196/FULL1  
Address: Community House South Street Bromley BR1 1RH  
Proposal: Replacement high level windows



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## SECTION '4' – Applications submitted by the London Borough of Bromley

**Application No :** 10/01278/FULL1

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

**Address :** Princes Plain Primary School Church  
Lane Bromley BR2 8LD

**OS Grid Ref:** E: 542315 N: 166633

**Applicant :** Mrs Pamela King

**Objections :** NO

### **Description of Development:**

Single storey extension to form group study room access ramp with paved pathway play ground fence enclosure and brick retaining wall. Single storey infill extension to main building to form music room, covered walkway linking kitchen and hall, entrance canopy and increase in hardstanding for playarea and fire appliance access route.

Key designations:

Green Belt

### **Proposal**

Planning permission is sought for extensions to main school building and changes to existing landscape features comprising:

- single storey extension to form group study room and new access ramp and steps
- single storey infill extension to main building to form music room
- covered walkway linking kitchen and main hall
- paved pathway and fencing around reception class play area
- fire appliance and service vehicle access route
- increase in hardstanding play area

Whilst not a part of the formal proposals requiring planning permission it should also be noted that 2 additional classrooms will be provided by converting part of the existing gym.

The applicant has stated that the proposed development is required in order to meet the accommodation requirements of expansion to a two form entry primary school.

## **Location**

The application site is to the west of Bromley Common Road (A21) and falls within the Green Belt. It is made up of a complex of buildings, to the east is the Council's Educational Development Centre (EDC), and to the west Princes Plain Primary School (PPPS) comprising the main building and a series of smaller single storey buildings including main hall, mobile classroom, nursery, and children's centre. In front of the main school building there is a hard surfaced play area and beyond this a large open playing field. The site also provides parking for up to 90 cars which is currently shared by both staff and alike. The main access to the school is via Princes Plain Road, there are residential properties along Church lane and Princes Plain Road.

This case is presented to Committee as it is a Local Authority application and it outside of delegated powers.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and a site notice was displayed but no local representations were received.

## **Comments from Consultees**

London Fire and Emergency Planning Authority – satisfied with the proposals in relation to fire precautionary arrangements.

Highways – Based upon the information provided it appears that parking demand on site for additional staff and parents could increase by around 28 (8 staff, 20 parents). There is no where at present for the additional parent trips to be accommodated within the overall site. There is thus a clear need for a comprehensive study of the use of the site as a whole in order to try to identify improvements in the way the site operates in terms of parking. A further more accurate scale drawing of the site as a whole showing current parking and circulation is also required. The feedback from the highways with respect of the requested information will be reported verbally.

From a trees point of view no significant trees would be affected by the proposal.

Education: Children and Young peoples Services – are in support of the proposal on the basis that there is an urgent need for the extension to PPPS as a part of the current planned expansion of a number of primary schools in the borough. The additional places resulting from these expansions are required to ensure that Bromley Council fulfils its statutory duty to ensure that there are sufficient school places available for all resident children.

In this particular area of the borough there are currently 555 reception class places available. In 2009 all these places were taken and it was necessary for some schools, including Princes Plain, to admit more than their published admission number in order to meet with statutory duty. It is projected that in excess of 570 reception places will be needed in this area for the foreseeable future.

In addition to the increased number of reception pupils resulting from the increased birth-rate, the development on the 'Blue Circle' site consists of approx 788 dwellings which is likely to further increase the demand for primary school places in this area.

Valuation and Estates has no comment to make in respect of the application.

### **Planning Considerations**

The application site lies within the Green Belt. In determining the application the main policies are G1, C1, C7 and BE1 and of the Unitary Development Plan, which relate to Green Belt, community facilities, educational and pre-school facilities and design of new development.

In respect of education issues the Council will usually support applications for new or extensions of existing educational establishments provided that they are located so as to maximise access by means of transport other than by car. Proposals relating to primary schools that are likely to result in an increase in the school roll are required to produce a School Travel Plan. The supporting text of Policy C7 also states that educational facilities are not appropriate uses in the Green Belt and proposals for new building or extensions associated with educational uses will therefore have to show very special circumstances.

This guidance is also repeated in central government guidance PPG2 "Green Belts" which explains that inappropriate development is harmful by definition any very special circumstances must demonstrate that the harm is outweighed by other considerations.

### **Planning History**

The most recent planning history of the site is summarised below as follows:

- 09/01730 - single storey building for use as classrooms, temporary grant of planning permission due to expire on 31.8.2012
- 07/02591 - planning permission granted for a single storey conservatory extension to provide new library area
- 07/02104 - planning permission was granted for the construction of a new single storey building to provide improved and extended accommodation for the existing nursery care
- 04/02019 - permission granted for extension to existing temporary classroom

## Conclusions

The main issue in the case is whether the proposal would be harmful to the openness and visual amenities of the Green Belt and also whether very special circumstances have been demonstrated to that outweigh the inappropriate nature of the use. The highways issues relating to this application in particular parking / travel plan issues will be reported verbally following consideration of the requested information.

In summary the applicant has set out the following circumstances to justify the proposal:

- The council has a statutory duty to ensure that there are sufficient school places available for all children. In line with audit commission recommendations the Local Authority is projected to need 3,840 places
- The current admissions limit capacity for Primary Education in the Borough (i.e. number of reception class places available) is 3500. Between 2003 and 2008, the number of reception places needed to meet demand has been between 3150 and 3300. In 2009 there was a rise to 3400 and the numbers are projected to rise to 3650 by 2013, maintaining this level until at least 2019.
- In this particular area of the Borough (Bromley Common and Keston, Petts Wood and Knoll, Farnborough and Crofton wards) there are currently 555 reception places available. In 2009, all these places were taken and it was necessary for some schools, including Princes Plain, to admit more than their published admission number in order to ensure that the Council met its statutory duty of providing school places for resident pupils. It is projected that in excess of 570 reception place will be needed in this area for the foreseeable future.

In developing the plans to accommodate the increase of 0.5 Form Entry (FE) to the school, particular and careful consideration has been given to how to minimise the required level of expansion to the footprint on the site. In order to provide the necessary accommodation for the school at a full 2FE, 2 additional classrooms are required, alongside a small increase in ancillary space.

The classrooms will be provided through reconfiguration of the current gym space with a small extension to provide a shared group room. This is in line with the current guidance under Building Bulletin 99 and will support the school in effective delivery of the curriculum. The school is currently lacking a sufficient amount of small group work space and the reconfiguration works within the school will enhance this for all Key Stages, which will significantly benefit the students and their education.

There is a small increase to hard play surface proposed to accommodate the additional pupils and ensure the appropriate mix of hard and soft surface for exercise, social interaction and learning. This additional hard surfacing does not change the

open nature of the site and has been kept to a minimal level, adjacent to the school, to minimise its visual impact.

Overall, given the smallest possible extension being proposed and the location of this, there is not considered to be any harm to the openness of the site as a consequence of these developments. Further to which, given that they facilitate only a small expansion to the existing use, the impact on the green belt is not considered to be materially greater than under the current use.

Without the expansion of Princes Plain Primary School, the Authority will not be able to meet its statutory duty to provide sufficient school places for its residents.

From the submitted information there appears to be little doubt about the requirement for additional reception spaces in this part of the borough. However, the recent planning history of the site shows that there has been a previous development on the site. The school has been rated as “Outstanding” by ofsted and incorporates facilities for children with special needs as well as a nursery and children’s centre. There are concerns however, that in providing so many facilities this then results in the need for additional built development on the site, the increase in the hard surface play area to nearly double the size is one example of this. The cumulative affect of such development must be assessed in relation to its impact on the Green Belt and its openness.

Members will need to decide whether the very special circumstances set out by the applicant are considered sufficient to outweigh the harm caused by the inappropriateness of the intended development. Members will also be aware of the need to consider alternative locations within the site and it is evident from the layout that the development will be on part of the school previously developed and would not encroach onto the playing field. This therefore appears to be an area where such development would be less prominent and would have a reduced impact on the open nature of this site. On balance, it may be considered that planning permission can be granted in this instance, subject to final comments on the highways aspects.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/01730, 07/02591 and 0702104, excluding exempt information.

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
- ACA01R A01 Reason 3 years
- 2 ACK01 Compliance with submitted plan

**Reason:** In the interest of the visual amenities of the area.

**Reasons for permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- G1 Green Belt
- C1 Community Facilities
- C7 Educational and Pre-School Facilities
- BE1 Design of New Development

The development is considered to be satisfactory in relation to the following:

- (a) the relationship of the development to adjacent properties
- (b) the character of the development in the surrounding area
- (c) the impact of the development to the open character and visual amenities of the Green Belt, including trees on the application site
- (d) special circumstances have been demonstrated that outweigh harm to the Green Belt
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties
- (f) the outlook of the occupiers of adjacent and nearby properties
- (g) the provision of additional sporting facilities for the benefit of the local community
- (h) the impact to on-street parking demand in the area and on conditions of road safety
- (i) comments received during the consultation period of the application
- (j) the urban design policies of the Unitary Development Plan
- (k) drainage and flood risk

and having regard to all other matters raised.



Reference: 10/01278/FULL1

Address: Princes Plain Primary School Church Lane Bromley BR2 8LD

Proposal: Single storey extension to form group study room access ramp with paved pathway play ground fence enclosure and brick retaining wall. Single storey infill extension to main building to form music room, covered walkway linking kitchen and hall, entrance canopy and increase in hardstanding for playarea and fire appliance access route.



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## SECTION '4' – Applications submitted by the London Borough of Bromley

**Application No :** 10/01310/FULL1

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

**Address :** Mottingham Community Centre  
Kimmeridge Road Mottingham London  
SE9 4EB

**OS Grid Ref:** E: 542401 N: 171811

**Applicant :** London Borough Of Bromley

**Objections :** NO

### **Description of Development:**

Hard standing to eastern side of building with sustainable urban drainage system

### **Proposal**

The application seeks planning permission for hard standing to the eastern side of the building along with a sustainable urban drainage system.

### **Location**

The application site consists of the single storey Mottingham Community Centre located to the northeast of the junction of Kimmeridge Gardens and Kimmeridge Road.

### **Comments from Local Residents**

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

### **Comments from Consultees**

Highways (drainage): States that the site appears to be suitable for an assessment to be made of its potential for a Sustainable Urban Drainage System scheme to be developed for the disposal of surface water. Also advises that the hardstanding should be designed so that no surface water run-off flows onto the public highway.

Thameswater: States that with regard to sewerage and water infrastructure would have no objection to the application.

## **Planning Considerations**

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

BE1 Design of New Development  
C1 Community Facilities

In strategic terms the most relevant London Plan policies are:

3A.18 Protection and enhancement of social infrastructure and community facilities

## **Planning History**

1990: Planning application (89/03760/FUL) granted permission for 1.6 metre high gates and railings fronting highway.

## **Conclusions**

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 and the community policies of the development plan.

The proposed resurfacing works are towards the rear of the site and would be largely hidden from view by the existing building. In addition, the community centre is currently in a state of disrepair and the proposal will assist in the upgrade and continued use of the centre. Therefore, it may be considered that the proposal will not adversely impact upon the character of the area or the amenities of surrounding residential properties.

The increased hardstanding will provide an additional area for community facilities associated with the centre and may therefore be seen as a benefit to the local community. In addition, a sustainable urban drainage system is proposed, details of which will be required to be submitted and approved by way of condition and this is considered to contribute positively to achieving increased sustainability.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/01310, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

1	ACA01	Commencement of development within 3 yrs
	ACA01R	A01 Reason 3 years

2	ACC07	Materials as set out in application
	ACC07R	Reason C07
3	ACD06	Sustainable drainage system (SuDS)
	ADD06R	Reason D06
4	ACH32	Highway Drainage
	ADH32R	Reason H32

**Reasons for permission:**

In granting planning permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- C1 Community Facilities

3A.18 Protection and enhancement of social infrastructure and community facilities

The development is considered to be satisfactory in relation to the following:

- (a) the character of the development in the surrounding areas;
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (c) the community policies of the development plan;

and having regard to all other matters raised.

Reference: 10/01310/FULL1

Address: Mottingham Community Centre Kimmeridge Road Mottingham London SE9 4EB

Proposal: Hard standing to eastern side of building with sustainable urban drainage system



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## SECTION '5' – Applications meriting special consideration

**Application No :** 10/00982/FULL6

**Ward:**  
**Petts Wood And Knoll**

**Address :** 197 Chislehurst Road Orpington BR5  
1NP

**OS Grid Ref:** E: 545465 N: 167572

**Applicant :** Mr D Said

**Objections :** NO

### **Description of Development:**

Part one/two storey side/rear and single storey side extensions, front porch, formation of vehicular access

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London Distributor Roads

### **Proposal**

- The proposal includes 2 side extensions, one either side of the main dwelling. One will be two storey and the other single storey.
- The single storey side extension will measure 4.2m and will be sited close to the flank boundary with No. 195. The single storey side extension will have a height of 4.3m and will have a hipped roof (2.4m to eaves level).
- The two storey side extension will measure 2.5m in width and will retain a 1.0m side space to the flank boundary with No. 199.
- The two storey side extension will not be subservient to the main dwelling and will incorporate a hipped roof.
- Towards the rear of the site, a single storey extension will be located behind the two storey side extension and will be wider so that it adjoins the flank boundary. This extension will project to the rearmost point of the existing dwelling and will incorporate a pitched roof of 4.2m in height (2.6m to the eaves).

### **Location**

The application site is on the western side of Chislehurst Road close to a sharp bend in the road. The site possesses a detached two storey residential dwelling. The properties on this part of Chislehurst Road are mainly two storey detached dwellings with open frontages and generous rear gardens. The site lies within the Petts Wood Area of Special Residential Character.

### **Comments from Local Residents**

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

### **Comments from Consultees**

Technical highways objections are raised in respect to inadequate sightlines for the proposed access.

### **Planning Considerations**

The main policies relevant to this case are Policies BE1 (Design Of New Development), H8 (Residential Extensions), H9 (Side Space) and H10 (Areas of Special Residential Character).

### **Planning History**

Planning permission was refused under ref. 09/00668 for a one/two storey side/rear and two storey side extensions, front porch, formation of vehicular access on the following grounds:

The proposed extension, by reason of its excessive bulk and scale, would result in a cramped overdevelopment of the site, detrimental to the character and appearance of the Area of Special Residential Character, contrary to Policies BE1, H8 and H10 of the Unitary Development Plan.

### **Conclusions**

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

Concern was raised in respect to the original plans as the two storey side extension provided only a minimum 1m side space and the extension was not subservient to the main building. Amended plans have been requested but have not been forthcoming.

The resulting dwelling would occupy the entire width of the plot, retaining a gap at first floor above the garage and a 1.0m side space to the northern flank boundary. Within an ASRC, minimum side space is often considered unacceptable due to the



commonly prevailing greater spatial standards which characterise such areas. In this case, the proposed 1m side space is considered harmful to the spacious character and appearance of the area. The two storey extension is considered to be excessively bulky and as a result, does not respect this character.

It is noted that two storey side extensions have been constructed at Nos. 195 and 199, however the extensions at No. 195 was permitted in 1979 and 1985 respectively (ref. 85/02500) and there is no recent planning history for a two storey extension planning history for No. 199 (existing extension permitted in 1973). The extensions at No. 195 are both subservient to the main dwelling but are considerably bulky. No. 199 possesses one 2 storey extension. No. 197 is sited significantly forward of No. 195 and is considered to be a prominent dwelling. The reduction in the bulk of the extension to that previously refused is considered to be significant and will retain first floor side space to one side of the dwelling. The resulting dwelling is therefore considered not to excessively compromise the spacious character of the ASRC, contrary to Policy H9.

With regards to amenities of neighbouring properties, the most affected property would be No. 199 sited to the north. Flank windows at this property would suffer from limited loss of light and prospect. This property is separated by at least 2m from the boundary and flank windows serve secondary windows to a living room and first floor bathroom. On balance it is considered that the proposal would not result in a significant impact on residential amenity.

Chislehurst Road is a local distributor road, whereby new accesses will be permitted where there is no suitable alternative, subject to highway safety. The proposed additional access is considered to be harmful to highway safety as suitable sightlines cannot be achieved within the land controlled by the applicant. Although no objection was raised in this respect for the previous application, the matter has been reconsidered by the highway engineer who is concerned that the proposal will impact on highway safety.

On balance it is considered that the development in the manner proposed is unacceptable as it would result in a detrimental impact to the character and appearance of this Area of Special Residential Character and would impact detrimentally on conditions of highway safety. It is therefore recommended that the application is refused.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/00668 and 10/00982, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

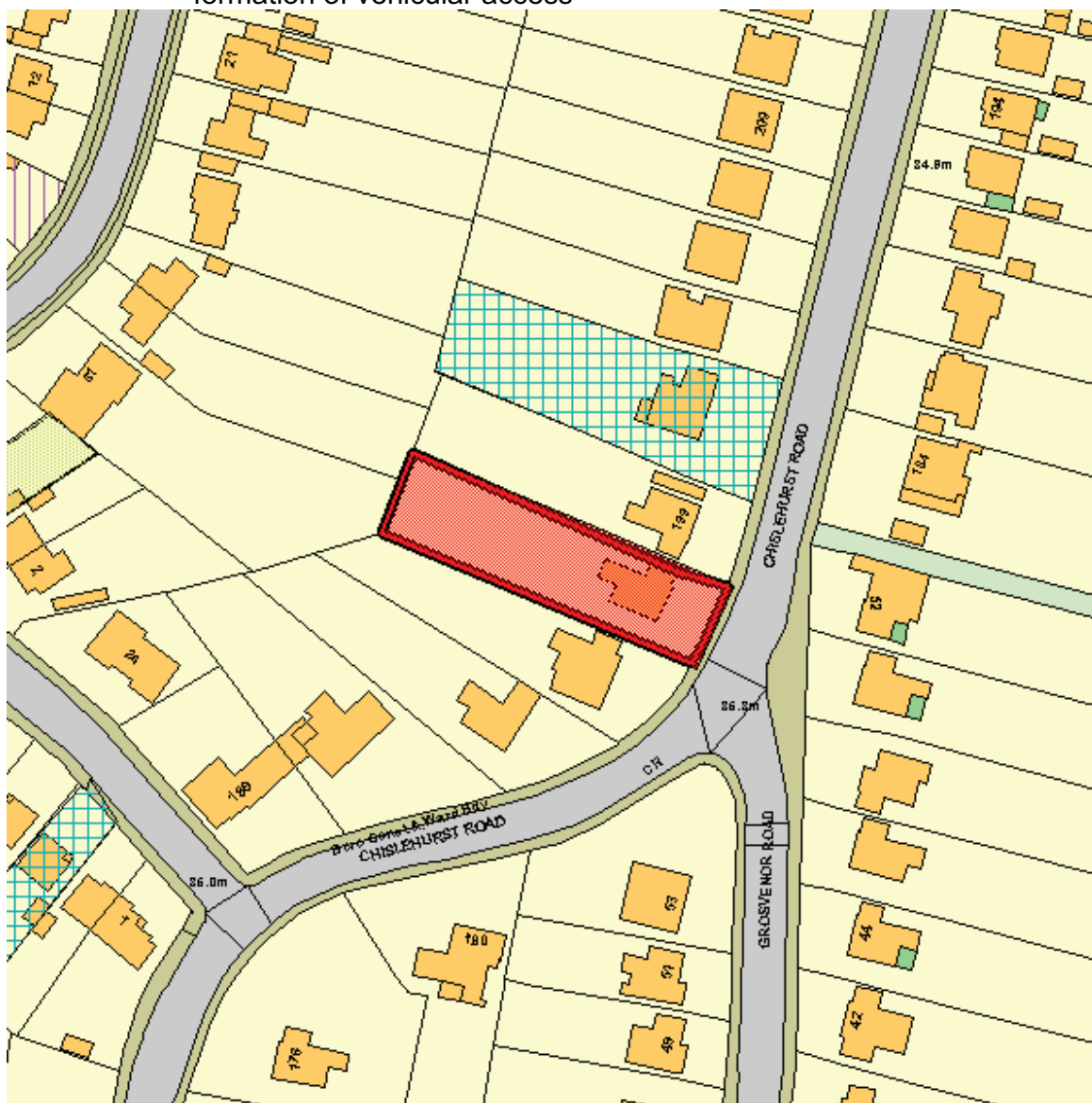
The reasons for refusal are:

- 1 The proposed extension, by reason of its proximity to the flank boundary, would result in a cramped development, detrimental to the character and appearance of the Area of Special Residential Character, contrary to Policies BE1, H8 and H10 of the Unitary Development Plan.
- 2 Inadequate existing sightlines for the proposed vehicular access exist and therefore the use of the access would be prejudicial to the safety and free flow of traffic, contrary to Policies T11 and T18 of the Unitary Development Plan.

Reference: 10/00982/FULL6

Address: 197 Chislehurst Road Orpington BR5 1NP

Proposal: Part one/two storey side/rear and single storey side extensions, front porch, formation of vehicular access



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## SECTION '5' – Applications meriting special consideration

**Application No :** 10/01044/FULL1

**Ward:**  
**Copers Cope**

**Address :** Rear Of 80 High Street Beckenham

**OS Grid Ref:** E: 537394 N: 169559

**Applicant :** Rochester Diocesan

**Objections : NO**

### **Description of Development:**

Part one/two storey replacement building for continued use as light industrial (Class B1) and leisure (Class D2)

Key designations:

Areas of Archeological Significance  
Flood Zone 2

### **Proposal**

- The application proposes the re-instatement of the building which was extensively fire-damaged in 2008 for continued use as light industrial (Class B1) and leisure (Class D2), as a dance studio.
- The proposed development would involve the replacement of most of the existing ground floor and first floors. The two storey dance studio building adjacent to the northern flank boundary of the site is still in use and is to remain with the addition of an extension incorporating additional studio facilities to the rear to replace previous accommodation lost to fire damage.
- The fire-damaged commercial premises which were previously occupied by First Glass (a window-fitting company) are to be re-built and occupied by the former users. The proposed footprint is almost identical to that of the existing, with the building abutting the southern site boundary. The first floor level will be extended further back than the existing first floor and will be equal in width to the ground floor. The maximum height proposed is approximately 8.4m which is below the highest point of the existing dance studio building.

### **Location**

- The application site is a part one/two storey detached building located to the rear of N0.80 High Street. No.80 is a four storey building with commercial

premises at ground floor level (numbered 78, 82 and 84). Planning permission was recently granted for the change of use from a private members club to a restaurant (Class A3).

- The site is within an area of archaeological significance and flood zone 2. There is a mix of uses on offer in this part of the High Street, predominantly A1, A2 and A3 uses as well as a few vacant premises and a small number of B1 and A4 uses.

### **Comments from Local Residents**

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

### **Comments from Consultees**

The Council's Highways engineers have raised no objections to the proposal.

The Council's Local Economy and Regeneration Division support the application and welcome the changes to the building to make it more accessible.

The Council's Drainage Engineers have advised that the site is within the area in which the Environment Agency requires the restrictions on the rate of discharge of surface water from new developments into the river Ravensbourne.

The Council's Environmental Health Officers have raised no objections to permission being granted.

English Heritage does not require an Archaeological assessment.

Thames Water Development Planning have advised that with regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. With regard to sewerage infrastructure they would not have any objection to the planning application.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure they would not have any objection to the above planning application.

The Environment Agency has no objections to the proposed development on flood risk 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  
C1 Community Facilities  
C2 Community Facilities and Development  
L9 Indoor Recreation and Leisure  
S6 Retail and Leisure Development – existing centres  
T1 Transport Demand  
T18 Road safety.

London Plan Policies:

3A.17 Addressing the needs of London's diverse population  
4A.7 Renewable energy  
4A.20 Reducing noise and enhancing soundscapes  
4A.12 Flooding  
4A.13 Flood Risk Management

Mayors Ambient Noise Strategy  
Mayors Waste Strategy

PPS1 Delivering Sustainable Development  
PPS1 Climate Change Supplement  
PPS22 Renewable Energy  
PPG13 Transport  
PPS24 Planning and Noise  
PPS25 Development and Flood Risk

### **Planning History**

In terms of relevant planning history, permission was granted under ref. 91/00859 for change of use from light industrial to dance studio.

Permission was then granted for change of use of first and second floors from private members club to restaurant (Class A3) with associated store rooms and offices on second floor and ancillary accommodation for staff on third floor with ventilation ductwork at side under ref. 09/03256.

### **Conclusions**

As the use proposed is a continuation of the previous use at the site, Members may consider that the development is unlikely to adversely impact the character, vitality or viability of Beckenham District centre. In terms of scale, the development would be no higher than the existing building and it may therefore be considered to be in keeping with surrounding development.

In terms of the impact of the proposal on the amenities of nearby residents, the main issues that Members may wish to consider are the visual impact of the development and the noise impact resulting from the use of the development.

The proposed building would be no nearer to any neighbouring sites and, given its two storey height, this is therefore unlikely to have a significant impact on amenities. There is a proposed window which is two storeys in height on the northern elevation facing into the rear of 46 Church Avenue, which serves the double storey height entrance foyer. As the internal floor level does not extend to the northern flank wall at first floor level it may be considered by Members that there would be no significant overlooking from this window as the closest anyone could stand to look out of the window is 5 metres away.

There are also residential flats at the adjacent site, No.86 – 90 High Street, however, no windows are proposed on the southern flank facing this site. There are front windows already in situ at the dance studio building which is to be retained. The only additional front windows proposed are double storey and will serve a corridor so are not likely to lead to any significant overlooking or loss of privacy to neighbours.

The applicants have stated that the usage of the building will remain at levels which previously existed. In addition to a dance studio it appears from the Planning Inspectorate's report that the D2 use also included many other activities including singing, drama and aerobics classes. The studios were also hired to outside groups including their use for rehearsals by a local light operatic society. In terms of noise, the previous grant of planning permission for the continued use as a dance studio (ref.97/00257) had a condition attached to it regarding sound-proofing and the type of sound equipment which could be applied, as well as one which restricted the hours of use. In the current application, the applicants are proposing construction materials which would achieve greater acoustic efficiency. Furthermore, in order to protect residential amenities, Members may wish to impose a condition which restricts the type of sound equipment used as well as the hours of use, as in the previous permission.

From the Community facility perspective, the development should be easily accessible by public transport and should be designed to be easily used by all sectors of society. The site is located in an area with a public transport accessibility level (PTAL) of 5 (on a scale of 1 – 6 where 6 is the most accessible). The changes proposed to make the building more accessible and compliant with the Disability Discrimination Act are also welcomed in this instance.

In terms of the impact on road safety and parking within the local road network, there are pay and display parking bays within the vicinity of the site and as the development is a continued use of the commercial accommodation with similar traffic generation, therefore Members may consider that the proposal is unlikely to have significant impact.



On balance, Members may therefore consider that the proposal is acceptable and worthy of planning permission being granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/03256 and 10/01044, excluding exempt information.

as amended by documents received on 30.04.2010

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1     ACA01       Commencement of development within 3 yrs  
      ACA01R     A01 Reason 3 years
- 2     ACC04       Matching materials  
      ACC04R     Reason C04
- 3     ACD02       Surface water drainage - no det. submitt  
      ADD02R     Reason D02
- 4     The Light Industrial use shall not operate on any Sunday or Bank Holiday, Xmas Day or Good Friday, nor before 0800 hours or after 1800 hours on any other day.

**Reason:** In order to comply with Policies BE1 and L9 of the Unitary Development Plan and in the interest of the amenities of the area.

- 5     The Leisure use shall not operate before 1000 hours or after 2200 hours Monday to Saturday, nor before 1000 hours or after 1600 hours on any Sunday or Bank Holiday.

**Reason:** In order to comply with Policies BE1 and L9 of the Unitary Development Plan and in the interest of the amenities of the area.

- 6     No sound reproduction equipment other than portable and small domestic equipment shall be used at any time on the premises.

**Reason:** In order to comply with Policies BE1 and L9 of the Unitary Development Plan and in the interest of the amenities of the area.

### **Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies:

Unitary Development Plan:

- BE1   Design of new development
- C1    Community Facilities
- C2    Community Facilities and Development
- L9    Indoor Recreation and Leisure
- S6    Retail and Leisure Development – existing centres
- T1    Transport Demand

T18 Road safety.

London Plan Policies:

3A.17 Addressing the needs of London's diverse population

4A.7 Renewable energy

4A.20 Reducing noise and enhancing soundscapes

4A.12 Flooding

4A.13 Flood Risk Management

Mayors Ambient Noise Strategy

Mayors Waste Strategy

PPS1 Delivering Sustainable Development

PPS1 Climate Change Supplement

PPS22 Renewable Energy

PPG13 Transport

PPS24 Planning and Noise

PPS25 Development and Flood Risk

The development is considered to be satisfactory in relation to the following:

- (a) the density of the proposed development
- (b) the relationship of the development to adjacent properties
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the proposed parking provision and the impact to conditions of road safety
- (f) the housing policies of the Unitary Development Plan
- (g) the transport policies of the Unitary Development Plan
- (h) the conservation policies of the Unitary Development Plan
- (i) the provision of amenity space for future occupiers of the proposed flats

and having regard to all other matters raised.

#### INFORMATIVE(S)

- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that

the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 2 Refuse and Recycling Bins should be placed near the High Street on collection day.

Reference: 10/01044/FULL1

Address: Rear Of 80 High Street Beckenham

Proposal: Part one/two storey replacement building for continued use as light industrial (Class B1) and leisure (Class D2)



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## SECTION '5' – Applications meriting special consideration

**Application No :** 10/01114/FULL6

**Ward:**  
Bromley Common And  
Keston

**Address :** 358 Southborough Lane Bromley BR2  
8AA

**OS Grid Ref:** E: 543344 N: 167599

**Applicant :** Mr Paul James

**Objections :** YES

### **Description of Development:**

First floor side/rear extension and replacement detached garage at rear

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

- The proposal seeks full planning permission for a first floor side/rear extension and replacement detached garage at rear.
- The current application seeks permission following a previously refused application for a similar, but larger scheme, which was also taken to Appeal but was dismissed by The Inspectorate.
- This application therefore seeks to overcome the refusal ground raised by the Local Planning Authority, along with the concerns raised by the Inspector during the Appeal decision.
- The proposed first floor side extension is to be located above the existing footprint of the ground floor element of the host dwellinghouse where at present there is the loft void.
- The first floor side extension will also project further rearward than the first floor rear elevation of the original dwellinghouse by approximately 3.1 metres. However the flank wall of this element will be located 2.65 metres away from the property boundary shared with the adjoining property, Number 360 Southborough Lane.

- The roof of the side extension will be pitched away from the front elevation of the host dwellinghouse and the ridge will be 0.2 metres lower than the ridge of the main roof of the original dwellinghouse. The ridge of the rear element of the first floor extension will be 1.1 metres lower than the highest point of the original roof.
- The detached garage will replace the existing structure and the front elevation of the new structure will be located 1.4 metres away from the rear elevation of the host dwellinghouse. The proposed garage structure will measure 3.2 metres in width and 3.6 metres in length with a maximum height of 3.4 metres.

## **Location**

The application site is located on the southern side of Southborough Lane and hosts a two storey semi-detached dwellinghouse, with a single storey rear appendage which appears to be original as the adjoining property also has a matching rear extension, and the host dwellinghouse also has a detached single storey garage located slightly to the side of the main property. There is also a single storey detached structure in the rear of the back garden.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received from the resident of the adjoining property, Number 360, which can be summarised as follows:

- the proposed extension is too large and totally out of keeping in the area;
- the rear extension will block light to the rear bedroom of the adjoining property;
- the extension could have a detrimental impact on the value of the adjoining property.

The full comments received can be seen on file.

## **Comments from Consultees**

No external consultations were considered necessary in respect of this case.

## **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

## **Planning History**

In terms of relevant history at the site, planning permission was recently refused under reference DC/09/00860 for a first floor side/rear extension and enlargement of existing detached garage at rear, on the following refusal ground:

The proposed extension would result in an overdevelopment of this semi-detached property by reason of its size, design and bulk which would result in an incongruous appearance prejudicial to the visual and residential amenities of the area, contrary to Policies H8 and BE1 of the Unitary Development Plan.

This refused application was taken to the Inspectorate and the appeal had a split decision. The Inspector stated that the scheme could be determined in two separate stages, firstly the detached garage to the rear of the property, which was granted, and secondly the two storey rear extension and side dormer extension, which was dismissed.

The Inspector believed that the proposed garage was modest in form and size, and being located to the rear of the property meant that it would easily blend into the rear garden environment and the streetscene. As such, this element was considered to be acceptable and in accordance with Policies BE1 and H8.

The second element of the proposal however, regarding the first floor side/rear extension, would according to the Inspector, cause considerable harm to the character and appearance of the area, conflicting with Policies BE1 and H8 of the Unitary Development Plan.

The Inspector stated that although there are a variety of dwellings in the area, there remains a strong sense of symmetry in the design of the semi-detached properties which contributes significantly to the character and appearance of the area. In general, modest extensions that are set back from the front building line and with lower ridge heights have been successful in respecting the host dwellinghouse and character of the area. However, larger extensions that share the ridge height of the main building have detracted from the area.

The Inspector further stated that the host building is symmetrical in appearance and has a dominant central gabled roof with deep slopes on either side. The proposed extension therefore, due to its bulk, projection up to the front building line, height, high eaves line and design would fail to respect and would disrupt the symmetry of the host building. The extension was therefore considered by the Inspector to appear bulky, incongruous and also seriously detract from the character and appearance of the streetscene and the rear garden environment.

## **Conclusions**

The current application therefore needs to be assessed not only on its own merits but also in relation to the previously refused application, and in addition on the basis of the Inspector's comments within the Appeal decision.

The Inspector believed that the detached garage was acceptable on balance and this element was allowed. On the basis that this element has not altered between the current scheme and the previous application, Members may consider that this element remains acceptable.

In terms of the extensions to the host dwellinghouse, the Inspector stated that the extension was excessive in size, bulky, and the ridge height was not subservient to the main dwelling, therefore created a detrimental impact upon the character of the host dwelling, the adjoining property and the appearance of the pair of semi-detached dwellings, plus would detract from the character of the streetscene.

When comparing the current scheme to the previously refused scheme, it can be seen that the side extension has been reduced in width so that the first floor side extension is more of a half-hip style roof extension to allow for first floor and roof space accommodation. Within this width reduction, the ridge height has also been slightly reduced and the forward projection and hipped roof angle of the front elevation has also been altered. The angle of the roof pitch along the front elevation has been altered so that the side elevation does appear more subservient to the host dwelling than the previously refused scheme. The Inspector stated in effect that larger extensions in the area that share the ridge height of the main building have detracted from the area, therefore Members may wish to consider whether the ridge height of the side extension has been sufficiently amended to not necessarily harm the character of the area.

In terms of the first floor rear extension, the height has been substantially reduced so that the ridge height of it measures approximately 0.55 metres lower than the ridge height of the main building and approximately 0.4 metres lower than the ridge height of the proposed first floor side extension.

As such, Members may wish to carefully consider whether sufficient alterations have been made to the proposed extensions in order to be subservient to the character and appearance of the host dwellinghouse, and prevent undue harm from occurring in relation to the amenities of the residents of neighbouring properties, or whether the development in the manner proposed is still of a bulky nature which detracts from the pair of semi-detached dwellings and the wider character as a whole, will affect the residential amenities of the area and which will result in an overdevelopment of the property in general.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/00860 and 10/01114, excluding exempt information.

#### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

0      D00002      If Members are minded to grant planning permission the following conditions are suggested:



1	ACA01	Commencement of development within 3 yrs	
	ACA01R	A01 Reason 3 years	
2	ACC04	Matching materials	
	ACC04R	Reason C04	
3	ACI12	Obscure glazing (1 insert)	in the first floor flank
	ACI12R	I12 reason (1 insert)	BE1 and H8
4	ACI13	No windows (2 inserts)	first floor eastern flank first floor rear extension
	ACI13R	I13 reason (1 insert)	BE1 and H8

**Reasons for granting permission:**

In granting permission the Local planning authority had regard to the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the appearance of the development in relation to the character of the area;
- (c) the relationship of the development to the adjacent properties;
- (d) the character of development in the surrounding area;
- (e) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (f) the light and outlook of occupiers of adjacent and nearby properties;
- (g) the privacy of occupiers of adjacent and nearby properties;
- (h) the housing policies of the development plan;
- (i) and having regard to all other matters raised including concerns from neighbours.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposed extension would result in an over development of this semi-detached property by reason of its size, design and bulk which would result in an incongruous appearance prejudicial to the visual and residential amenities of the area, contrary to Policies H8 and BE1 of the Unitary Development Plan.

Reference: 10/01114/FULL6

Address: 358 Southborough Lane Bromley BR2 8AA

Proposal: First floor side/rear extension and replacement detached garage at rear



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## SECTION '5' – Applications meriting special consideration

**Application No :** 10/01128/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 253 Chislehurst Road Orpington BR5  
1NS

**OS Grid Ref:** E: 545489 N: 167970

**Applicant :** Mr S A Purdie

**Objections :** NO

### **Description of Development:**

Part one/two storey side and rear extension. Single storey detached garage to front/side

#### Key designations:

Conservation Area: Chislehurst Road Petts Wood  
Adj Area of Special Res. Character  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London Distributor Roads

### **Proposal**

- The proposal is for an L-shaped part one/two storey side and rear extension which would project beyond the northern and western flanks of the host property. An existing side garage would be demolished to accommodate this extension.
- The two storey element would be set approximately 3.7m inward from the front part of the side extension and would maintain a separation of approximately 1.3m with the flank boundary. The roof above the extension would be subservient in relation to that of the existing house with its apex set at a lower height.
- In addition to the above a detached garage would be built to the south of the main dwelling and incorporate a footprint measuring approximately 5.6m x 3.7m and a pitched roof.

### **Location**

The application site is located within the Chislehurst Road Petts Wood Conservation Area, approximately 30 metres to the south of the junction with Kingsway. The area is characterised by large detached houses situated on sizeable plots well separated from the highway.

### **Comments from Local Residents**

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

### **Comments from Consultees**

The application was not inspected by the Advisory Panel for Conservation Areas.

### **Planning Considerations**

Policies BE1, H8, H9 and BE11 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design; ensure adequate separation between two storey development and the flank boundary; to safeguard the amenities of neighbouring properties; and to protect the overall character of conservation areas.

Following the submission of revised plans no specific conservation objections are raised, subject to conditions.

### **Planning History**

A two storey extension proposed along the southern side of the host building was refused in 2001 (ref. 01/01356) on the basis that that it would detract from the character of the building and Conservation Area. That proposal was markedly different to this scheme.

### **Conclusions**

The main issues relating to the application are the effect that it would have on the character and appearance of the Chislehurst Road Petts Wood Conservation Area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Unlike most other houses along the street, the existing dwelling has been built at an angle in relation to the street and, as a consequence, the boundaries are tapered in relation to the house. In the case of the proposed side extension, the gap between the dwelling and the boundary increases as one approaches the rear of the site. With this in mind the proposal has been designed to make use of the tapering boundary, however in doing so there is a breach of Policy H9 which requires a minimum 1m sidespace and greater in areas where the spatial character requires. This occurs

where the single storey front corner of the proposed extension projects to within 1m of the boundary, however this immediately tapers away to provide an increasing sidespace towards the rear of the dwelling.

Given the unique siting and design of the property, as well as the proposed degree of separation between the extension and the boundary overall, it is considered that the side/rear extension could be accommodated without harming the spatial standards which characterise the area. Furthermore, since the first floor element will be set back in relation to the dwelling frontage, it will somewhat be obscured from street, thereby preserving the architectural integrity of the host structure.

No specific concerns are raised in relation to the proposed garage of which the design will match many of the existing properties in the area. With regard to neighbouring amenity given the siting of the extension and the separation with the properties either side, it is not considered that this will be significantly harmed.

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 character or appearance of the Conservation Area.

Background papers referred to during production of this report comprise all correspondence on files refs. 01/01356 and 10/01128, excluding exempt information.

as amended by documents received on 18.06.2010

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |       |                       |
|---|--------|--|-------|-----------------------|
| 1 | ACA01  | Commencement of development within 3 yrs |       |                       |
|   | ACA01R | A01 Reason 3 years                       |       |                       |
| 2 | ACC01  | Satisfactory materials (ext'nl surfaces) |       |                       |
|   | ACC01R | Reason C01                               |       |                       |
| 3 | ACC03  | Details of windows                       |       |                       |
|   | ACC03R | Reason C03                               |       |                       |
| 4 | ACI13  | No windows (2 inserts)                   | flank | first floor extension |
|   | ACI13R | I13 reason (1 insert)                    | BE1   |                       |

### **Reasons for permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE11 Conservation Areas

H8 Residential Extensions

H9 Side Space

The development is considered satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent property;
- (c) the character of the development in the Conservation Area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the light and outlook of occupiers of adjacent and nearby properties;
- (f) the privacy of occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

Reference: 10/01128/FULL6

Address: 253 Chislehurst Road Orpington BR5 1NS

Proposal: Part one/two storey side and rear extension. Single storey detached garage to front/side



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## Section '5' – Applications meriting special consideration

**Application No :** 10/01185/FULL6

**Ward:**  
**Petts Wood And Knoll**

**Address :** 27 Great Thrift Petts Wood Orpington  
BR5 1NE

**OS Grid Ref:** E: 544137 N: 168166

**Applicant :** Mr And Mrs Tennant

**Objections : NO**

### **Description of Development:**

Part one storey side extension, two storey side and rear extension, one storey rear extension and front dormer

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

### **Proposal**

The application can be divided into four elements:

- 1) Single storey extension to form garage

This proposal includes an extension at ground floor level to create a garage area. The front of the garage is aligned with the existing front wall of the dwelling and the garage is 2.8m wide at its entrance. The side flank wall of this extension projects at an angle adjoining the boundary with 25 Great Thift and to the rear for approximately 5.85m. The existing garage at the rear is to be demolished.

- 2) Two storey side & rear extension

The two storey side extension is set back 5.6m from the front elevation of the property and is 2.05m in width from the existing side flank wall and located 1.5m from the side boundary. The two storey side extension is 7.1m deep. The proposed rear flank wall of the two storey extension runs for approximately 5.35m along the rear of the property and extends approximately 2.6m beyond the existing kitchen. The ground

floor will create a utility room and extended kitchen while the first floor will provide an additional bedroom and extended bedroom. A velux window will be inserted into the side roof space.

### 3) Single storey rear extension

The rear single storey extension extends 3.5m beyond the existing dining room and is approximately 3.6m in length runs right to the boundary with 29 Great Thrift and will have a flat roof with pyramidal skylight.

### 4) Front dormer window

A dormer window 2.1m in length, 2.8m in width and 2.1m in height and is proposed to be added to the first floor of the property frontage.

## **Location**

The property in question is a semi-detached two bedroom family dwelling house on the western side of Great Thift, Petts Wood, Orpington. The site lies within the Petts Wood Area of Special Residential Character (ASRC) and is adjacent to the Green Belt. Neighbouring properties are of a similar architectural style, however vary in size, scale and design.

## **Comments from Local Residents**

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

## **Comments from Consultees**

No consultations were necessary.

## **Planning Considerations**

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

- BE1 Design of New Development
- G6 Land adjoining Green Belt or Metropolitan Open Land
- H8 Residential Extensions
- H9 Side Space
- H10 Areas of Special Residential Character

## **Planning History**

This application should be considered in conjunction with application reference: DC/09/02709/FULL6, an identical submission for 27 Great Thift which was made in 2009 and subsequently refused at Committee; and DC/09/02544/FULL6 – 25 Great Thrift (next door property) which applied for planning permission for a similar development which was refused under delegated authority in 2009, a decision which was subsequently overturned at appeal by the Planning Inspectorate and subsequently a further similar permission was granted under DC/10/01133/FULL6.

Under planning application reference: DC/09/02544/FULL6 (25 Great Thift, Petts Wood) planning permission was refused on the following grounds:

The proposed part one/two storey side extension would result in a cramped form of development, harmful to the spatial standards and character of the Area of Special Residential Character and contrary to Policies H9 and H10 of the Unitary Development Plan.

However, this decision was appealed against under ref: AP/10/00022 and the Planning Inspectorate found in favour of the appellant granting permission, stating:

UDP Policy H9 (i) establishes a minimum side spacing of 1m along the full flank wall between a two storey extension and the side boundary of the dwelling. Policy H9 (ii) states that more generous side space should be provided where higher standards of separation already exist. The proposed two storey element would be located a minimum of 1.5m from the boundary with No. 27, whilst the single storey garage would be built up to the boundary. The first floor would project approximately 2m to the side and would be, towards the rear of the dwelling, set well back from the main road. To my mind this would maintain a substantial gap at first floor level, allowing views between adjoining dwellings and through to the vegetation to the rear. This would accord with the aim of Policy H9 to retain space around buildings and prevent a cramped appearance. It would also retain the spacious character of the area in compliance with Policy H10.

Under planning application reference: DC/08/03105 (71 Great Thrift, Petts Wood) planning permission was refused on the 13 November 2008 on the following grounds:

The property is within an Area of Special Residential Character and the proposal does not comply with the Council's requirement for side space to be maintained to the flank boundary in respect of a two storey development, in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policies H9 and H10 of the Unitary Development Plan.

The proposed extensions are of a poor design, incongruous in appearance, which would be harmful to the appearance of the existing dwelling and

detrimental to the Area of Special Residential Character contrary to Policies BE1, H9 and H10 of the Unitary Development Plan”.

Under planning application reference: DC/09/00046 (55 Woodland Way, Petts Wood) planning permission was granted on the 9th March 2009 for a part one/two storey side/rear and front dormer.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character and appearance of the Petts Wood Area of Special Residential Character and the impact that it would have on the amenities of the surrounding residential properties.

It is not anticipated the proposed development will result in a significant detrimental impact on the residential amenities of neighbouring properties. The two-storey extension is to be set back over 1.5m from the boundary at its narrowest point and as such it is not anticipated the loss of light to the neighbouring property will be of such an extent as to warrant refusal. It is anticipated there will be a negligible loss of privacy or sense of overlooking as no windows are to be located on the side flank wall facing the boundary.

Members will need to judge the level of harm or acceptability that the extensions would have on the street-scene and the wider Area of Special Residential Character. Policy H9 states that for a proposal of two or more storeys in height a minimum of 1 metre space from the side boundary of the site should be maintained for the full flank wall of the building. Whilst the two storey side/rear extension is located 1.5m from the boundary, the single storey garage is built up to the boundary with No. 25. An example of a single storey garage being built up to the boundary is evident at No.55 Woodland Way (16 doors away) and the adjoining property No. 25 Great Thrift was granted approval at appeal for such a development where the two storey element was set back over 1m from the boundary but the one storey element was built up to the boundary.

Normally, the Council would resist front dormer windows where they are not a feature of the area. Other examples exist in the area and No.55 Woodland Way can be cited as a more recent example of where a new dormer has been allowed.

It is acknowledged that the addition of the two storey extension to the rear is subservient to the host dwelling, however, the roof is only slightly lower than that of the host dwelling and the roof design differs. Members will also need to consider the effect the proposed extension will have on the uniformity of the street-scene given that the property at present mirrors the adjoining property at No. 29. Were the development to proceed it could result in a detrimental impact on the overall uniform appearance of these semi-detached dwellings.

The next door property was granted permission at appeal for a very similar extension which is smaller in scale (approximately 1.3m in width in comparison to 2.05m width of this proposal) but set within a narrower plot. Members will need to consider how the addition of 2 two storey extensions will appear in the streetscene given the increase in bulk and scale that the rear extensions will create. As mentioned previously the required side space is provided for the two storey element but not the single storey element. An extension at No.71 Great Thirft was refused as the two storey element was proposed over the garage, however, in this particular case the extension will be set back behind the garage.

It is necessary to carefully consider whether this technical breach of Policy H9 causes any actual harm. On balance, with regard to the separation between the two elements, the set back arrangement proposed and the planning approval which was granted at No. 25 on appeal for a similar development it may be considered acceptable in this instance.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/02709, 09/01690, 09/02544, 09/00046, 10/01133 and AP/10/00022/S78HH, excluding exempt information.

#### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- |                |                 |  |                              |
|----------------|-----------------|--|------------------------------|
| 0              | D00002          | If Members are minded to grant planning permission the following conditions are suggested: |                              |
| 1              | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years                             |                              |
| 2              | ACK01           | Compliance with submitted plan   |                              |
| <b>Reason:</b> |                 |  |                              |
| 3              | ACI09<br>ACI09R | Side space (1 metre) (1 insert)<br>Reason I09  | side                         |
| 4              | ACI17<br>ACI17R | No additional windows (2 inserts)<br>I17 reason (1 insert)                                 | side extension<br>BE1 and H8 |

#### **Reasons for granting planning permission:**

In granting planning permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- G6 Land adjoining Green Belt or Metropolitan Open Land
- H8 Residential Extensions
- H9 Side Space
- H10 Areas of Special Residential Character

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relationship of the development to adjacent properties;
- (c) the character of the development in the surrounding area.

and having regard to all other matters raised.

D00003      If Members are minded to refuse planning permission the following grounds are suggested:

- 1      The proposed part one/part two storey side/rear extension does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the entire flank boundary in respect of two storey development in the absence of which the extension would result in a cramped form of development, harmful to the spatial standards and character of the Area of Special Residential Character and contrary to Policies H9 and H10 of the Unitary Development Plan.

Reference: 10/01185/FULL6

Address: 27 Great Thrift Petts Wood Orpington BR5 1NE

Proposal: Part one storey side extension, two storey side and rear extension, one storey rear extension and front dormer



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## Section '5' – Applications meriting special consideration

**Application No :** 10/01228/FULL6

**Ward:**  
Bromley Common And  
Keston

**Address :** 427 Southborough Lane Bromley BR2  
8BQ

**OS Grid Ref:** E: 543698 N: 167558

**Applicant :** Mr Mark Huntingford

**Objections :** NO

### **Description of Development:**

First floor side/rear extension and single storey rear extension

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Local Distributor Roads

### **Proposal**

The proposal seeks permission for:

- A first floor side and rear extension, which would measure at 8.5m deep x 4.1m wide a flat roof measuring at 6.9m high.
- A first floor rear extension that would measure at 3m deep x 4.1m wide with a pitch roof measuring at 6.9m high.
- A single storey rear extension which would measure at 3m deep x 2.7m wide with a sloping roof measuring at 3.7m high.

### **Location**

- The site is located on the eastern part of Southborough Lane.
- Southborough Lane is a neighbourhood comprising mainly semi-detached houses all of very similar design.

### **Comments from Local Residents**

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

### **Comments from Consultees**

None

### **Planning Considerations**

Policies BE1, H8 and H9 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design, safeguard the amenities of neighbouring properties and preserve and enhance the character and appearance of the area.

This case has been presented to Committee on the basis that an identical scheme under ref. 10/00221 was refused.

### **Planning History**

Reference No.	Description	Decision	Date
10/00221/FULL6	First floor side/rear extension and single storey rear extension.	REF	20.04.2010

An appeal in respect of the above application is currently pending.

### **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.

This proposal is identical to that refused under ref: 10/00221/FULL6. The first floor side extension would incorporate an additional two bedrooms and bathroom. A detached garage is located to the rear on the shared boundary with No. 429 Southborough Lane. A 2.5m distance currently exists from the flank of the dwelling to the shared boundary with No.429 Southborough Lane. The proposal would be set away from the shared boundary by more than 1m and is therefore consistent with the requirements of Policy H9 of the UDP. However, the proposed first floor side extension would however overhang the existing eaves by 200mm (measured from the edge of the existing roof). The overhang would create an extension that would adversely affect the character of the existing dwelling and surrounding area. A roof extension flush or set in from the edge of the eaves would appear more within character and appear more appropriate. It is acknowledged that there are other examples of extensions showing an 'overhang' in the area. However, the Council's preference is for this style of extension to be either set in from the existing roof or

flush with the flank wall. This proposal does not achieve this aim. The proposal is therefore recommended for refusal.

The single storey rear extension element of this proposal would be to the northern elevation. This proposal would project 3 metres from the original dwelling house and would be 2.7 metres wide. The properties were built in a 'U' shape, and the proposed extension would be filling up the remaining area, leaving No. 425 Southborough Lane with an open area towards the rear. There is no extension at No. 425 Southborough Lane and this may be a problem with a possible tunnelling effect or overshadowing. However an extension to that proposed as part of this application could be built under "permitted development" and therefore given the depth and scale of the extension, it is considered acceptable in this instance.

Members will need to consider whether the impact of the extension on the surrounding area due to the 200mm overhang, is significant enough to warrant the application being refused.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/00221 and 10/01228, excluding exempt information.

#### **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed extension, by virtue of its overhanging design, would result in a top-heavy and obtrusive feature, lacking subordination to the host dwelling, thereby harmful to the character and appearance of the area and contrary to Policies BE1 and H8 of the Unitary Development Plan.

Reference: 10/01228/FULL6

Address: 427 Southborough Lane Bromley BR2 8BQ

Proposal: First floor side/rear extension and single storey rear extension



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## Section '5' – Applications meriting special consideration

**Application No :** 10/01253/FULL1

**Ward:**  
Penge And Cator

**Address :** 46 Green Lane Penge London SE20 7JX

**OS Grid Ref:** E: 535626 N: 170124

**Applicant :** Mr Edginton

**Objections :** NO

### **Description of Development:**

Change of use of second floor into 3 two bedroom flats and 1 one bedroom flat, elevational alterations and 3 car parking spaces at the rear.

Key designations:

London Distributor Roads  
Secondary Shopping Frontage

### **Proposal**

- Conversion of the second floor of a commercial building into 3 two bedroom and 1 one bedroom flats.
- Alterations to front elevation to provide an entrance to the proposed flats and new windows in the flank elevation
- Provision of 3 car parking spaces at rear

### **Location**

The application site is situated northern side of Green Lane at the junction with High Street Penge, the property comprises of a three storey commercial building previously used as retail premises and has access at the rear from Cottingham Road.

### **Comments from Local Residents**

No representations were received from nearby owners/occupiers regarding this application.

### **Comments from Consultees**

From a Planning Highways perspective, the site is located in an area with high PTAL rate of 5 (on a scale of 1 - 6, where 6 is the most accessible).

Three car parking is offered for the development, accessed from Cottingham Road via an existing access arrangement. As the transport accessibility is good a reduction in the parking requirement may be justified as the site is considered accessible to public transport links, being within walking distance of bus routes and a Rail Station. Therefore on balance I raise no objection to the proposal.

Residential Services commented; that the proposal did not provide sufficient light and ventilation from roof lights alone.

### **Planning Considerations**

When considering the application the main policies are BE1 Design of new development, H7 Housing Density and Design, of the Unitary Development Plan and should be given due consideration. These policies seek to ensure a satisfactory standard of design which complements the qualities of the surrounding area; to safeguard the amenities of neighbouring properties; Policies T3 and T18 deal with parking provision and road safety.

Policy H12 Conversion of non-residential buildings to residential use Para 4.56 states: Where such a conversion is proposed the applicant must be able to demonstrate that the premises are genuinely redundant. Conversions are not likely to be acceptable where there continues to be a viable commercial use or demand for such uses.

Policy S11 concerns the provision of residential accommodation within shopping areas and includes a number of provisions, amongst them that the proposal would result in accommodation suitable for residential use and that there has been a long term vacancy and no demand for a commercial or a community use.

Changes of use of upper floors to residential will be welcomed as it can contribute to the stock of affordable accommodation and the presence of residents can help as a deterrent to crime.

Government guidance in the form of PPS3 "Housing" generally encourages higher density developments in appropriate locations, while emphasising the role of good design and layout to achieve the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas, but without compromising the quality of the environment.

### **Planning History**

Planning permission was granted for a shopfront under ref. 88/03094.

Application for the change of use of the first and second floors from retail to residential ref. 09/01696 was withdrawn by the applicant.

Application ref. 09/03091 for Change of use of first and second floors from retail into 6 two-bedroom flats and 2 studio flats, with elevational alterations and 3 car parking spaces at rear and was refused on the following grounds:

The proposal constitutes an over intensive use of the property contrary to Policy BE1 of the Unitary Development Plan, resulting in an under-provision of 2-3 on-site parking spaces leading to increased demand for on-street parking in the vicinity of the application site, contrary to Policy T18 of the Unitary Development Plan. .

No evidence has been submitted to demonstrate that the premises are unlikely continue to be a viable commercial use contrary to Policy H12 of the Unitary Development Plan.

### **Conclusions**

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area, and on the amenities of neighbouring residential properties, having particular regard to the density and design of the proposed scheme.

This application is for the conversion of the second floor of a previous retail unit into 3 two bedroom flats and 1 studio flat with the provision of 3 car parking spaces with access from Cottingham Road at the rear.

This application has been submitted to address the previous refusal ref: 09/03091 for the conversion of the 1st and 2nd floors of this building into 8 residential flats. The proposal now retains the 1st floor for retail use and proposes to convert the second floor into 3 two bedroom and 1 one bedroom flats. From a highways point of view there are no objections to the three car parking is offered for the development,

The agent has stated that "the owners of the property have been trying for three years to let the whole three floors as a retail shop. They have tried letting floor by floor or as a whole without success. As a result of this and as a compromise it was decided to convert the top floor into flats. This makes two floors for retail a better commercial proposition. This still leaves approximately 800 sq m of shop out of a total floor area of 1200sm.

It is also considered that having flats above the shop helps an area to be populated especially at weekends and evenings".

The Highways officer has no objection to the number of spaces provided for the proposed flats, the site is considered accessible to numerous public transport links. The proposal would also provide additional housing in this part of the town centre.

It could be considered that the proposed use of the 2nd floor as residential flats in this location could benefit the local community in accordance with Policy S11.

Having had regard to the above it was considered that the proposed change if use 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 shopping frontage.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/01696, 09/03091 and 10/01253, excluding exempt information.

as amended by documents received on 17.06.2010

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACC01  | Satisfactory materials (ext'nl surfaces) |
|   | ACC01R | Reason C01                               |
| 3 | ACH03  | Satisfactory parking - full application  |
|   | ACH03R | Reason H03                               |
| 4 | ACH18  | Refuse storage - no details submitted    |
|   | ACH18R | Reason H18                               |
| 5 | ACH22  | Bicycle Parking                          |
|   | ACH22R | Reason H22                               |
| 6 | ACH23  | Lighting scheme for access/parking       |
|   | ACH23R | Reason H23                               |
| 7 | ACH25  | Satisfactory servicing facilities        |
|   | ACH25R | Reason H25                               |
| 8 | AJ02B  | Justification UNIQUE reason OTHER apps   |

#### Policies (UDP)

- BE1 Design of New Development
- H7 Housing Density and Design
- T3 Parking
- T18 Road Safety
- H12 Conversion of Non-Residential Uses
- S11 Residential Accommodation



Reference: 10/01253/FULL1

Address: Ground Floor 46 Green Lane Penge London SE20 7JX

Proposal: Change of use of second floor into 3 two bedroom flats and 1 one bedroom flat, elevational alterations and 3 car parking spaces at the rear.



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## Section '5' – Applications meriting special consideration

**Application No :** 10/01359/FULL6

**Ward:**  
Cray Valley West

**Address :** 88 Friar Road Orpington BR5 2BP

**OS Grid Ref:** E: 546155 N: 167699

**Applicant :** Mr M Bailey

**Objections :** YES

### **Description of Development:**

One/two storey side and rear extension with side dormer.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding

### **Proposal**

- The proposal is for a part one/two storey side and rear extension with accommodation in the roof space and a side dormer window.
- The two storey element measures approximately 3 metres in width at the side, behind an existing two storey side extension and extends to the rear 3.8 metres beyond the rear of the original property to the east of the site and 1.5 metres to the west of the property.
- The single storey element is to the side/rear and measures approximately 2.4 metres at the side and continues for a further 3.8 metres to the rear to square off the existing single storey rear element.
- The proposal also involves roof alterations, including a new pitched roof over the existing two storey side extension and a side dormer in the new roof. The overall height of the dwelling is approximately 8.5 metres.
- The side element measures 1 metre from the flank boundary.

### **Location**

- The application site is located to the north of Friar Road and is a semi-detached family dwelling, similar in style to others in the area.
- To the east of the site, the road consists of detached and semi-detached bungalows and to the west, two storey dwellings.

- The property does not fall within any designated area.

### **Comments from Local Residents**

Local residents were notified of the application and representations have been received which can be summarised as follows:

- loss of light
- tunnelled effect
- ground floor windows will look into bedroom and kitchen windows

The full objections are available on the file.

### **Comments from Consultees**

No external consultees have been consulted in relation to this application.

### **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

### **Planning History**

Planning permission was granted for a two storey side extension in 2001 under ref. 01/00114.

Planning permission was refused for a part one/two storey side/rear extension incorporating two side dormers and for accommodation in roofspace in 2009 under ref. 09/03081.

### **Conclusions**

The main planning considerations in this case are the impact of the proposal on adjacent and nearby properties and its impact upon the streetscene and character of the area in general.

A similar application was refused on the following grounds:

The proposed extension would, by reason of its excessive rearward projection, have a seriously detrimental effect on the daylighting to the adjoining house and the prospect which the occupants of both neighbouring dwellings might

reasonably expect to be able to continue to enjoy, contrary to Policy H8 of the Unitary Development Plan.

The proposal would be an overdevelopment of the site out of character with the locality and contrary to Policy H8 and BE1 of the Unitary Development Plan.

The proposal has been reduced at first floor level resulting in a two storey rearward projection of 1.5 metres as opposed to 3.8 metres, adjacent to no. 90 and from 6.1 to 3.8 adjacent to no. 86. This reduction is considered to have a considerably reduced impact on the visual amenities and light enjoyed by the adjoining dwelling. The reduction in the two storey element also results in a reduction in the accommodation within the roof and the proposal now has one side dormer window instead of two.

The impact on the light enjoyed by the adjoining neighbour has been reduced, although the proposal remains approximately 1.5 metres beyond the rear elevation and may give rise to some tunnelling. The applicants have demonstrated the 45° angle from the first floor window which would be affected by the proposal, showing that the proposal is unlikely to result in an unacceptable loss of light.

In terms of the side element and the single storey rear element, it may be considered that these are unlikely to have a harmful impact on the adjoining semi-detached property in terms of light, privacy, prospect or visual amenity. The neighbour to the east of the site however, is a bungalow and it is necessary to consider the impact of the proposed two storey element on the prospect, light and visual amenity currently enjoyed by this neighbouring property. The bungalow has been extended with a single storey rear extension and conservatory projecting further to the rear than the No. 88. The proposed two storey extension will not project further to the rear than the rear of No. 86. However, the extension will be partly two storey and will have some impact.

There are concerns raised over the window to the flank elevation in the ground floor and this window may result in some overlooking and loss of privacy to No. 86. However, it may also be considered that as there are other windows serving this room, a condition ensuring that this window is obscure glazed and fixed would overcome this concern.

The alterations to the roof mainly consist of an extension over an existing two storey extension to incorporate it into the roof of the original property. The dormer window to the side of the roof is a small pitched roof feature and it is unlikely to result in a harmful feature in the streetscene and, due to the neighbouring property being a bungalow, it is unlikely to result in overlooking. The alterations to the roof may be considered to enhance the overall appearance of the property.

The proposal attempts to overcome the previous grounds of refusal by reducing the depth of the first floor rear element, thereby addressing the impact on the prospect enjoyed by both neighbouring properties and reducing the overall scale of

development. On balance it is considered that the proposal sufficiently addresses the previous grounds of refusal and results in an acceptable scheme.

Background papers referred to during production of this report comprise all correspondence on files refs. 01/00114, 09/03081 and 10/01359, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |                           |
|---|--------|--|---------------------------|
| 1 | ACA01  | Commencement of development within 3 yrs |                           |
|   | ACA01R | A01 Reason 3 years                       |                           |
| 2 | ACC04  | Matching materials                       |                           |
|   | ACC04R | Reason C04                               |                           |
| 3 | ACI09  | Side space (1 metre) (1 insert)          |                           |
|   | ACI09R | Reason I09                               |                           |
| 4 | ACI12  | Obscure glazing (1 insert)               | in the ground floor flank |
|   | ACI12R | I12 reason (1 insert)                    | BE1                       |

### **Reasons for granting permission:**

In granting permission, the Local Planning Authority has regard to the following policies in the Unitary Development Plan:

BE1 Design of New Development  
H8 Residential Extensions  
H9 Side Space

The development is considered to be satisfactory in relation to the following:

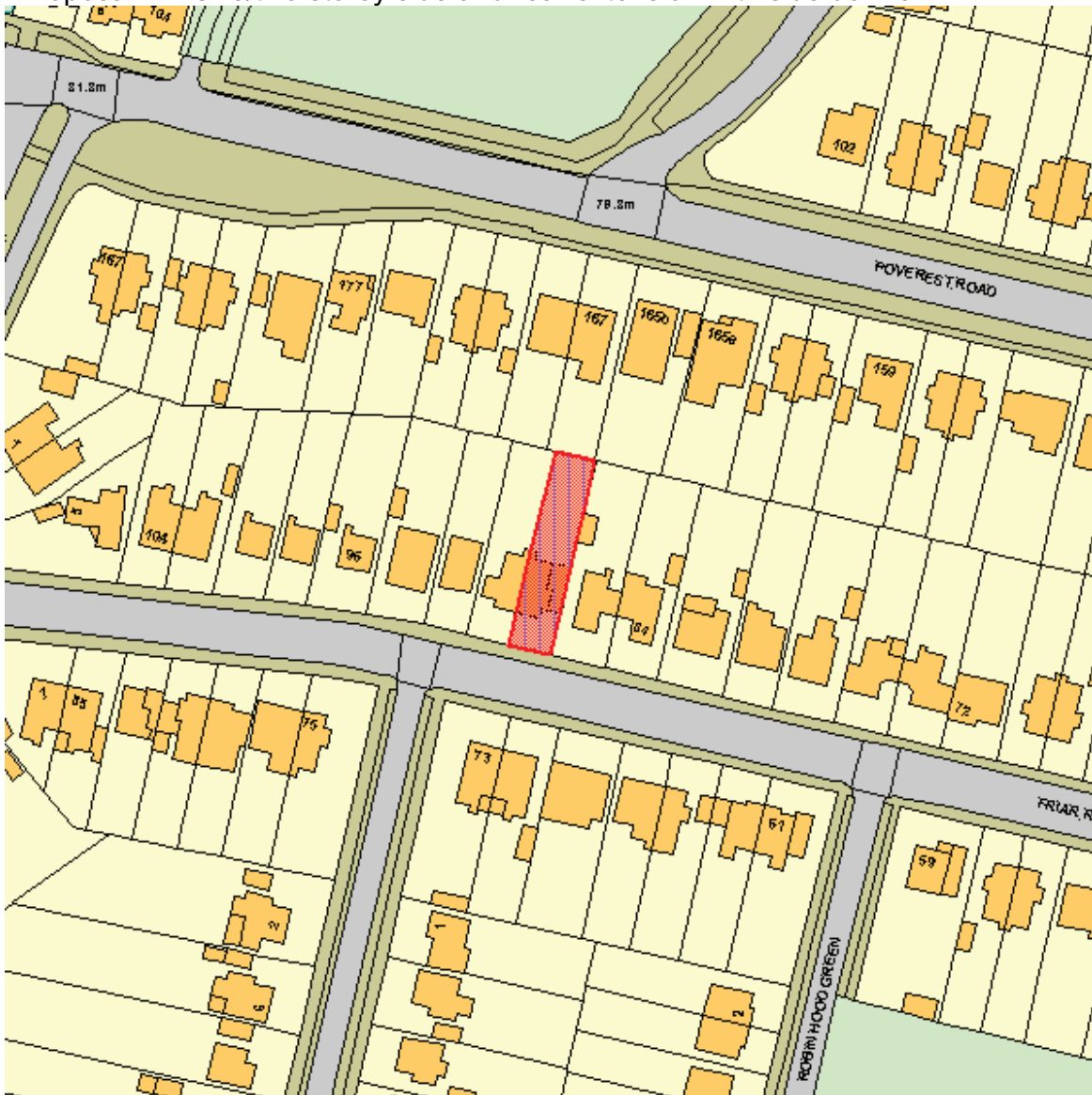
- (a) the appearance of the development in the streetscene
- (b) the relationship of the development to adjacent property
- (c) the character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties

and having regard to all other matters raised.

Reference: 10/01359/FULL6

Address: 88 Friar Road Orpington BR5 2BP

Proposal: One/two storey side and rear extension with side dormer.



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## Section '5' – Applications meriting special consideration

**Application No :** 10/01375/FULL1

**Ward:**  
Orpington

**Address :** 136 - 140 High Street Orpington BR6  
0JS

**OS Grid Ref:** E: 546328 N: 166473

**Applicant :** Mr M L Bungar

**Objections :** YES

### **Description of Development:**

Retention of facade and demolition of remainder of building, erection of part one/part two and part three storey building comprising ground floor restaurant with ventilation ducting and 8 one bedroom flats to first and second floors with associated amenity area, access and vehicle parking/servicing including access to Broomhill Road.

Key designations:

Areas of Archeological Significance  
London Distributor Roads  
Primary Shopping Frontage

### **Proposal**

- The proposal would involve moving the existing first floor restaurant use to the ground floor, and the construction of a linked building at the rear of the site providing 6 one bedroom flats, and further 2 one bedroom flats above the restaurant with amenity area between on the roof of the restaurant. The front section of the site will be provided with an additional floor to be a height of 10.6m.
- The rear extension will provide a block 10.0m in height, incorporating a ventilation ducting system that will extract above eaves level.
- The centre of the development will provide an outdoor amenity area with the residential elements separated by 11.5m.
- A large lantern feature will be provided within the amenity area to provide light to the ground floor restaurant.
- To the rear of the restaurant at ground floor level provision for 10 car parking spaces will be made, 8 for the residential units and 2 for the restaurant. Access will be from Broomhill Road via a narrow access way of 3m in width.

## **Location**

The site is located on the western side of the High Street, close to the junction with Broomhill Road. The existing building is a two storey structure comprising two retail units on the ground floor and a restaurant on the first floor. Towards the rear of the site is a single storey structure in the yard area. The area comprises mainly two and three storey commercial and retail premises with flats and offices on the upper floor levels. The site falls within a Primary Shopping Frontage.

## **Comments from Local Residents**

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

- no right of way onto Broomhill Road
- access is too narrow
- noise and disturbance
- impact on highway safety
- impact on wildlife
- impact on retail frontage and concentration of A3 uses
- overlooking and loss of privacy
- impact on protected trees
- proliferation of flats in Orpington
- architectural character of original building negatively affected

The Knoll Residents' association has raised concerns on the grounds of overlooking and overdevelopment of the site.

## **Comments from Consultees**

No English Heritage objections are raised in respect to archaeology.

Comments have been received from the Crime Prevention Officer requesting a secure by design condition to be imposed.

Technical highways objections are raised on the grounds of inadequate site access and links to surrounding footpaths. The proposal would therefore be dangerous from a highway safety point of view.

No TfL objection is raised.

The Town Centre Manager supports the application as it encourages residential use and independent restaurants.

Technical drainage comments have been received stating that the application must be referred to both the Environment Agency and Thames Water for comment on flood

risk and the capacity of the sewers to accept the increased discharge resulting from the proposed development.

No Thames Water objections are raised, subject to informatives.

Waste Services has commented that the refuse arrangements are not sufficient. Separate storage areas are required for domestic and trade wastes. This could be conditioned.

Environment Agency has referred the Council to its Flood Risk Standing Advice (FRSA) for low risk development proposals. The applicant should be referred to the standing advice.

No Environmental Health comments had been received at the time of writing the report. Any comments will be reported verbally at the meeting.

### **Planning Considerations**

Policies relevant to the consideration of this application are BE1 (Design of New Development), BE19 (Shopfronts And Security Shutters), H7 (Housing Density And Design), NE7 (Development And Trees), T3 (Parking), T6 (Pedestrians), T18 (Road Safety), S1 (Primary Shopping Frontages), S9 (Food And Drink Premises), S10 (Non-Retail Uses In Shopping Areas) and ER9 (Ventilation) of the adopted Unitary Development Plan.

### **Planning History**

Planning permission was granted under ref. 03/00155 for conversion of ground floor shop unit into 2 separate shop units (Class A1); part one/part two storey rear extension for offices and storage; provision of fire escape at rear.

### **Conclusions**

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, the impact on the retail functioning of the Primary Shopping Frontage and the impact on protected trees.

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

With respect to the character of the area, the additional floor to the existing building will not appear to be out of context as both neighbouring properties are taller than the application proposal. The design to the frontage is considered to be sympathetic to

the existing features of the building and therefore the street scene will be complemented.

It is considered however that the 100% site coverage and provision of a second residential element at the rear of the site would constitute a cramped over-development of the site which would be out of character with this part of the High Street and detrimental to the spatial standards of the area at present, which comprises mainly single storey commercial development to the rear of the High Street. The resulting development would lack space around the building and general amenity for this number of units.

From a highway safety point of view, there is no footway in the one-way section of Broomhill Road and poor visibility from the existing access. Intensification of the use of this access would therefore be inappropriate and dangerous. Pedestrians will access the flats at the rear and therefore will need to use the access from Broomhill Road or the adjacent Inspirations Way. The lack of a suitable footpath would be dangerous and contrary to Policy T6 of the UDP which concerns the safety of pedestrians.

The proposed development would be sited adjacent to the rear boundary of the site. The flats at this section of the property will possess balconies facing rearwards and it is considered that this vantage point would have a direct view into the rear gardens on Vinson Close and Broomhill Road. Although the existence of vegetation screening which is covered by a blanket TPO reduces this, it is considered that there would be views into adjacent rear gardens, in particular in the winter months. The screening could be retained by the existing Order, however the proposed rear balconies would nevertheless be much closer to the rear of the site than is usual on this part of the High Street and would inevitably result in overlooking of some residential properties to the rear.

The site widens at the rear and the proposed front facing windows (looking onto the outdoor amenity area) will be sited directly behind the existing upper floor windows at the flats at Causeway House, No. 142-144 (The upper floors of which were permitted to be converted into flats under refs. 06/03533 and 08/02417). These habitable windows will therefore look directly into each other at a distance of approx. 10m. This relationship is considered to be unacceptable and would harm the existing residential amenities of the area by way of loss of prospect/visual impact and privacy.

The proposed development will comprise 8 units of accommodation on a plot size of 0.06ha. This equates to a density of 133.3 units/ha. Due to the accessibility level having a PTAL rating of 4-6 and the classification of the site as an urban area, the density provided is not considered to be excessively intensive for this area, when assessing purely against the density matrix of the UDP and London Plan. The minimum density has also been removed from PPS3. However, when considered against the useable space for construction it is considered that this development is unduly cramped.

The application must be considered under Policy S1 as the site lies within a Primary Frontage. The proposal would result in the loss of the two ground floor retail units. The retail frontage will be broken up by this and there are several other A3 uses in close proximity, including next door to the north (No. 134). It is considered that this would be harmful to the retail functioning of this part of the High Street, and the loss of two A1 units that are currently occupied would harm this functioning. The existing first floor restaurant use will be transferred to the ground floor and therefore no additional A3 use would result.

The proposed shopfront is considered to be in keeping with other shopfronts in the immediate vicinity. The stallriser will be small, however there will be a generous fascia and pilasters are retained.

In respect to trees, there is a blanket TPO to the rear of the site, outside of the application site. One particular specimen is of significant importance and conditions could be imposed to provide additional protection for this tree.

The proposed ventilation system will make use of an existing chimney feature which would be continued to extend to a point over 1m above the eaves level of the new block. This is considered to be acceptable for the purposes of ventilation for the ground floor restaurant, subject to conditions.

In conclusion, it is considered that the proposal is unacceptable in that it would result in a significant loss of amenity to local residents, would impact detrimentally on the character of the area, would impact on the shopping function of the High Street and would impact detrimentally on highway safety. It is therefore recommended that Members refuse planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/03533, 08/02864, 09/02322 and 10/01375, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposal would constitute a cramped over-development of the site, lacking in adequate amenities for future occupiers and detrimental to the spatial standards of this part of the High Street, contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 2 The proposed development, by reason of its design and layout, would result in an unacceptable impact of the amenities of neighbouring residential properties by way of overlooking, loss of prospect and privacy, contrary to Policies BE1 and H7 of the Unitary Development Plan.

- 3 The proposal, by reason of poor visibility, inadequate access to the site and lack of adequate pedestrian footpaths, would be likely to result in conditions prejudicial to the free flow of vehicles and the safety of pedestrians, thereby contrary to Policies T6 and T18 of the Unitary Development Plan.
- 4 The proposal would result in the unacceptable loss of two retail units contrary to Policy S1 of the Unitary Development Plan which gives preference to shopping uses within Primary Frontages, having particular regard to the existing number of non retail uses within this parade.

Reference: 10/01375/FULL1

Address: 136 - 140 High Street Orpington BR6 0JS

Proposal: Retention of facade and demolition of remainder of building, erection of part one/part two and part three storey building comprising ground floor restaurant with ventilation ducting and 8 one bedroom flats to first and second floors with associated amenity area, access and vehicle parking/servicing including access to Broomhill Road.



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## Section '5' – Applications meriting special consideration

**Application No :** 10/01401/FULL6

**Ward:**  
Darwin

**Address :** Cedar Farm Cudham Lane South  
Cudham Sevenoaks TN14 7QD

**OS Grid Ref:** E: 545187 N: 158693

**Applicant :** Mr G Morgan

**Objections :** YES

### **Description of Development:**

Single storey building to provide 3 stables and hay store and 2 storey building to provide triple garage with office (ancillary to main dwelling above) RETROSPECTIVE APPLICATION

Key designations:

Special Advertisement Control Area  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding

### **Proposal**

- Two detached buildings to provide 3 stables with hay store above, and a triple garage / barn with accommodation above. The buildings have already been constructed and this application seeks to amend the size of the existing buildings in order overcome a previous refusal. Landscape screening is proposed should permission be granted.
- Buildings are constructed from brick and tiles and form a horseshoe shape facing the new dwelling at the site, the stables building being an 'L' shape.
- The stable building would be 6 metres to the flat roof area for the two storey section, and 6 metres to the ridge above the stables. It has a total ground floor area of 134sqm. It is confirmed that the existing first floor will be removed.
- The garage / barn / office building is two storey throughout and reaches 5.8 metres to the flat roof. It comprises approximately 161sqm of accommodation. An external staircase is shown enabling access to the first floor on the elevation fronting the new dwelling.

- The applicant's covering letter explains that the design of the scheme matches the reduction in both the footprint and height to accord with planning permission 09/02711 but modifies the construction of the roofs with the objective of "simplifying the nature and time taken to execute the remedial works currently in progress."

## **Location**

The site is located at the southern tip of the Borough in an entirely rural location within the Green Belt.

## **Comments from Local Residents**

A number of objections have been received from local residents including the Cudham Residents Association. These primarily concern the size and design of the buildings, the length of time they have been in place without planning permission, the impact upon the character of the area and Green Belt in particular. The Residents Association are particularly concerned that an acceptable compromise was agreed with the Council and permitted and that this proposal represents a significant change from that. They are also concerned that the proposed reduction in bulk of the buildings is not sufficient in reducing the overall bulk.

## **Comments from Consultees**

There are no consultee comments to report.

## **Planning Considerations**

The proposal falls to be considered with regard to Policies G1 (Green Belt), G4 (Dwellings in the Green Belt), BE1 (Design), BE3 (Buildings in Rural Areas), and L3 (Stables and Horse Related Development) of the Unitary Development Plan, and also PPG2 – Green Belts

## **Planning History**

The planning history of the site is detailed and can be summarised as follows:

Application ref. 91/00798 was refused for "Replacement stable block comprising 12 stables and associated facilities". This was refused on the basis that it comprised inappropriate development in the Green Belt and by reason of the size, siting and external appearance would be detrimental to the appearance and amenities of the area.

Certificate of lawfulness for an existing use application ref. 03/02109 was granted in August 2003 for the use of an outbuilding building as separate dwelling house. It was

proven that the unauthorised use had been carried on for four years or more and therefore the Council was obliged to grant the certificate.

Application ref. 04/01091 for 'Demolition of existing dwelling and "Grooms Cottage" and erection of two storey four bedroom house and single storey three bedroom dwelling and detached garage' was withdrawn following the decision for the subsequent application 04/01093: This was submitted for 'Demolition of existing dwelling, "Grooms Cottage" and equestrian buildings and erection of 2 four bedroom houses with 2 detached garages and 2 detached stable buildings; formation of residential curtilage.' This application was refused for the following reasons:

- 1 The site is within the Green Belt where there is a presumption against inappropriate residential development and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G.2 of the adopted Unitary Development Plan and Policy G1 of the second deposit draft Unitary Development Plan (September 2002).
- 2 Given the size and bulk of the proposed replacement dwellings, the proposal constitutes inappropriate development and would harm the character and openness of the Green Belt, contrary to Policy G.4 of the adopted Unitary Development Plan and Policy G6 of the second deposit draft Unitary Development Plan (Sept 2002).

This decision was the subject of an appeal which was withdrawn prior to being determined.

Planning application ref. 05/00617 for 'Demolition of all residential and farm buildings on site and erection of detached house, detached garage and detached stable buildings and creation of residential curtilage' was granted subject to the prior completion of a legal agreement which restricted the residential curtilage of the proposed dwelling. Figures taken from the agent's submission for permission 05/00617 stated that the floor space of the combined previous (lawful) 2 dwellings was 294sqm. A 10% increase in area as allowed under Policy G4 would have allowed for around 323sqm replacement floor area within policy tolerances. The total floor area of the existing buildings (residential and farm) on the site at the time of application ref. 05/00617 amounted to approximately 1,413sqm. The proposed replacement dwelling comprised 836sqm and the garage and stable (as proposed for application ref. 05/00617) amounted to a further 256sqm floor area. The increase in residential floor area, including garage (but excluding the stables) was therefore 69% and therefore constituted inappropriate development within the Green Belt. Overall, the Council's calculations showed a 321sqm reduction in floorspace, creating a 22% reduction in built development floor area, however it should be noted that the 'trading' of farm or other floorspace for residential development is not specifically allowed by Green Belt policies and can only be considered as a very special circumstance.

Therefore at committee Members carefully considered the proposal and decided that the extinguishment of the second residential dwelling and the overall reduction in floorspace at the site, combined with the design of the development could constitute very special circumstances to warrant permission being granted as an exception to normal Green Belt policy. A condition was applied to the planning permission at committee stage requiring details of the outbuildings – this was primarily to address a concern that the stables faced away from the main house and that this could require further hardstanding to be constructed – a condition could allow details of the stables to be agreed facing the house.

Following a complaint in July 2008 it came to the Council's attention that both the main house and outbuildings had been constructed otherwise than in accordance with the approved plans, and furthermore that no details for changes to the outbuildings had been submitted or approved as required by planning condition. Application ref. 08/03796 was eventually submitted for amendments to the dwelling granted under permission ref. 05/00617 – this has subsequently been granted permission. Proposals are altered from the plans originally submitted as part of the application for the redevelopment of the site which showed a single storey stables building with 3 stables and a weatherboard finish.

A Breach of Condition Notice was authorised at committee on 18th December 2008 in respect of the lack of detail submitted in relation to the outbuildings. The unauthorised outbuildings were then the subject of an enforcement report to committee on 19th February 2009 recommending enforcement action be taken. This application was submitted subsequently and no action has yet been authorised pending its outcome.

Subsequently, application ref. 09/00449 was refused for the buildings as they are currently constructed for the following reasons:

- 1 The outbuildings would constitute inappropriate development within the Green Belt where there is a presumption against such development and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G1 or G4 of the Unitary Development Plan.
- 2 The outbuildings by reason of their siting, scale, form and materials are unacceptably prominent in this rural location, harmful to the rural character of the area, therefore contrary to Policies L3, BE1 and BE3 of the Unitary Development Plan.

The most recent application, ref. 09/02711 sought permission for a revised size and design for the outbuildings, closer to that originally submitted with the 2005 application to redevelop the site. This revised proposal was considered to be acceptable on the basis that the work was carried out by May 2010. To date only minor works have been carried out.

## Conclusions

The primary consideration in this case is the impact of the proposal upon the Green Belt. Particular regard should be given to the planning history, especially the differences between the permitted and refused schemes for these two outbuildings. The buildings as they stand are considered to be unacceptable as per the refusal of application 09/00499. However the Council has permitted a revised proposal under reference 09/02711 which showed the buildings reduced to 134sqm and 161sqm, and both at a height of 6m to the ridge. The floorspace in this proposal is identical to that scheme, and the overall height of the buildings is also 6m, achieved by effectively slicing the roof of each building. This does however result in an increased bulk compared to the approved scheme, and the design of the buildings may be considered less aesthetically pleasing. This needs to be considered with regard to the impact on the Green Belt, and the overall character of the area.

With regard to Policies BE1 and BE3 these buildings, with or without screening are substantial and it is doubtful as to whether they comply with the aims of Policy BE3 regarding buildings in rural areas, which requires such buildings to employ traditional styles of design and high quality materials of local character. The proposed drawings from application ref. 05/00617 showed a far more modest construction with timber facing materials which would have appeared subservient to the main dwelling and more appropriate in this exposed rural location.

With regard to Policy L3 regarding to horse related development the proposal could be regarded not to meet the requirements of criteria (i) which requires the siting, scale, form and materials of such developments not to have any adverse impact upon the open or rural character of the Green Belt. Members will need to consider whether the changes from the approved scheme are sufficient to still merit compliance with this criteria.

Policy G4 of the Unitary Development Plan deals with extensions and alterations to dwellings in the Green Belt. It states that outbuildings further than 5 metres away from the dwelling constitute inappropriate development and that very special circumstances must be demonstrated to justify such development. Policy G1 and PPG2 set out what may be considered appropriate development in the Green Belt.

The planning permission for this site was very carefully considered by Members for application ref. 05/00617, who came to the conclusion at that time that very special circumstances were present in light of the overall reduction in built development at the site and the extinguishment of a second residential curtilage. This decision was based on floorspace figures and the application submitted drawings. The proposed buildings are now shown reduced and to a similar size to that originally proposed with application ref. 05/00617. The overall floorspace at the site therefore now reflects that set out above for the original permission.

Although the buildings now proposed are brick construction, they will appear in keeping with the existing house, and subject to the agreement of suitable screening, will have a reduced impact when compared to the existing buildings.

With regard to the Green Belt policies G1, G4 and PPG2, Members are asked to consider the background of the previous permission, and whether these outbuildings are harmful to the Green Belt or rural character of the area. Whilst the floorspace and overall height now matches that previously considered acceptable by the Council, the remains an increased bulk compared to the approved scheme and the design involving slicing of the existing roof is not particularly elegant or in keeping with this rural location.

Background papers referred to during production of this report comprise all correspondence on files refs. 03/02109, 04/01091, 04/01093, 05/00617, 08/03796, 09/00449, 09/00682, 09/02711 and 10/01401, excluding exempt information.

### **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

0 D00002 If Members are minded to grant planning permission the following conditions are suggested:

1 The existing buildings shall be demolished and/or modified as required to comply with the plans hereby approved within 6 months of the date of this decision.

**Reason:** In order to prevent continuing harm to the visual impact of the Green Belt and to comply with Policies G1 and G4 of the Unitary Development Plan.

2 ACA04 Landscaping Scheme - full app no details

ACA04R Reason A04

3 ACC07 Materials as set out in application

ACC07R Reason C07

4 The buildings hereby permitted shall only be used for purposes ancillary to the residential use at Cedar Farm and for no other purpose.

**Reason:** In order prevent any commercial or other unrelated use within this residential site and to accord with Policy G4 of the Unitary Development Plan.

5 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in buildings hereby permitted, without the prior approval in writing of the Local Planning Authority.

ACI17R I17 reason (1 insert) G1

6 ACI18 No additional hardstanding

ACI18R I18 reason

7 The garage hereby permitted shall be used for purposes incidental to the dwelling, and shall not be used for living accommodation or severed to form a separate self-contained unit.

ACI19R I19 reason

8 ACK01 Compliance with submitted plan

**Reason:** In order to comply with Policy G1 of the Unitary Development Plan and to prevent any harm to the openness and character of the area.

9 There shall be no first floor accommodation provided within the stable building without the prior approval in writing of the Local Planning Authority.

**Reason:** To prevent an overdevelopment of the site and to protect the amenities of the Green Belt and area in general in accordance with Policies G1 and G4 of the Unitary Development Plan.

10 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

BE1 Design of new development

BE3 Buildings in Rural Areas

L3 Horses, Stabling and Riding Facilities

G4 Extensions/Alterations to dwellings in the Green Belt

G1 Green Belt

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

1 The outbuildings would constitute inappropriate development within the Green Belt where there is a presumption against such development and the Council sees no special circumstances which might justify the grant of planning permission as an exception to Policy G1 or G4 of the Unitary Development Plan.

2 The outbuildings by reason of their siting, scale, form and materials are unacceptably prominent in this rural location, harmful to the rural character of the area, therefore contrary to Policies L3, BE1 and BE3 of the Unitary Development Plan.

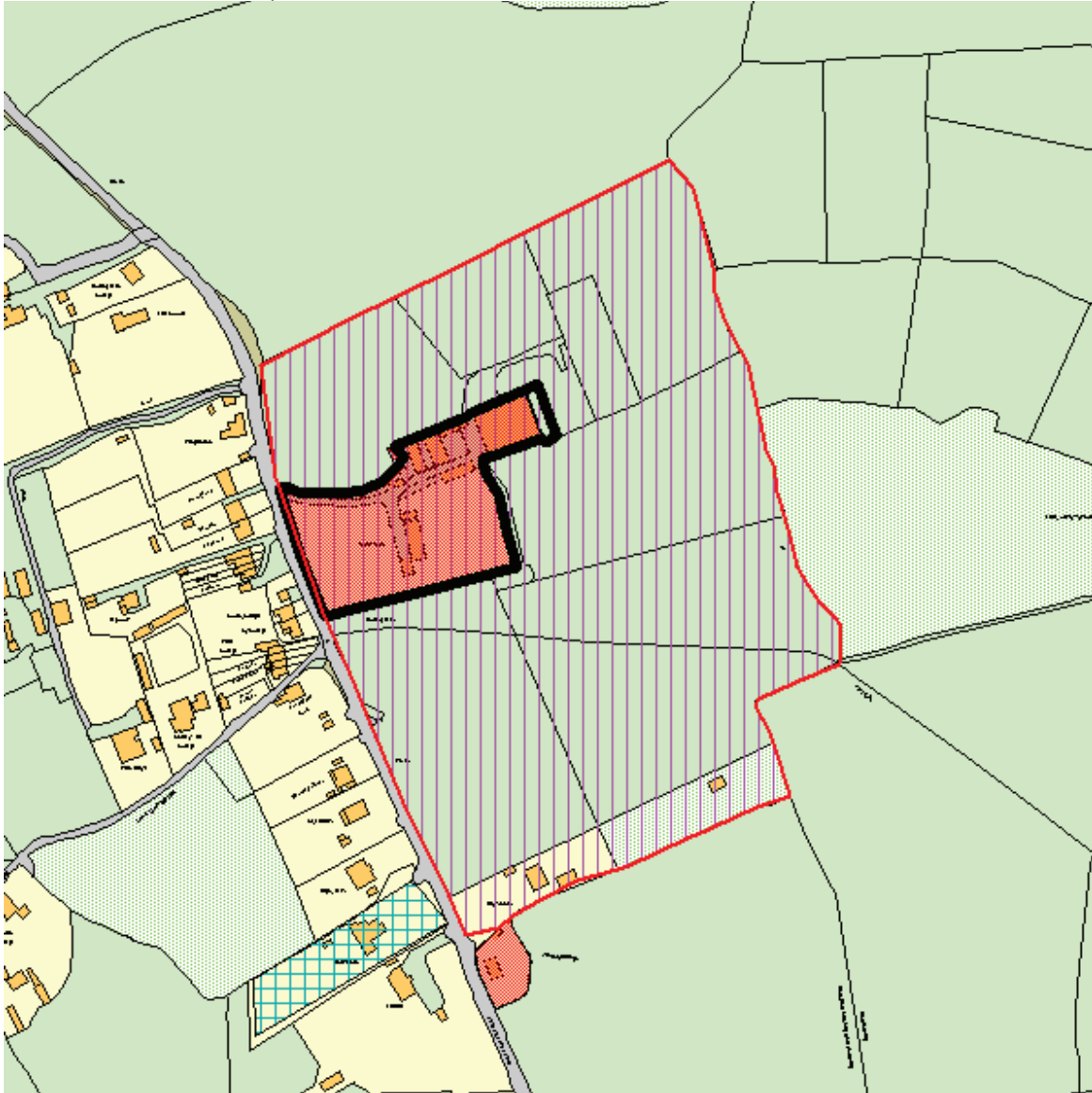
Further Recommendation:

The previously authorised Enforcement Action be amended to seek a reduction in the buildings to comply with the approved scheme under ref .09/02711.

Reference: 10/01401/FULL6

Address: Cedar Farm Cudham Lane South Cudham Sevenoaks TN14 7QD

Proposal: Single storey building to provide 3 stables and hay store and 2 storey building to provide triple garage with office (ancillary to main dwelling above) RETROSPECTIVE APPLICATION



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# Agenda Item 6.1

SECTION '6' – Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 10/00564/FULL1

**Ward:**  
Crystal Palace

**Address :** 9A Crystal Palace Park Road Sydenham  
London SE26 6EG

**OS Grid Ref:** E: 534854 N: 170735

**Applicant :** Mrs S L Olajoyegbe

**Objections :** YES

## **Description of Development:**

Elevational alterations to provide new door at rear

Key designations:

Conservation Area: Crystal Palace Park

Locally Listed Building

## **Proposal**

- This application was deferred by Members of Plans Sub Committee 2 on 20th May 2010 in order to give the applicant the chance to re-assess the need for the decking proposed in the original application.
- It was confirmed by the applicant by way of letter and revised plan that the decking is to be removed from the proposal, and that the only element of the scheme to be considered should be the insertion of a door in place of an existing window.
- The proposed development seeks to insert a new door into the flank elevation of the host building in the place of a central panel of an existing bay window.
- The application has been called in to Committee by a Councillor.

## **Location**

The property is located on the western side of Crystal Palace Park Road, within the Crystal Palace Park Conservation Area.

The host property provides accommodation for 4 separate units and is a locally listed building.

## **Comments from Local Residents**

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

- All 4 flats share the freehold of the property, therefore Flat A can't carry out any alterations unless they have approval from the other freeholders;
- If the works were carried out before consent is granted from the other freeholders this would be a breach of contract;
- The property is located within a conservation area – the proposal to replace the central panel of the bay window with a door, and include a raised timber deck, would detract from the character and appearance of the building;
- The proposal will not be in line with other properties in the area, except for Flat 7A which has carried out similar works but without planning permission.

Full copies of all correspondence can be viewed on the file and any further comments received will be reported verbally at the meeting.

### **Comments from Consultees**

No responses have been received.

### **Planning Considerations**

The proposal falls to be considered under Policies BE1, BE11 and H8 of the Unitary Development Plan.

### **Planning History**

There does not appear to be any relevant planning history at the site.

### **Conclusions**

The main issue regarding the application is the impact that the proposed elevation alterations, removing the central panel of the existing bay window and replacing it with a door, will have upon the character and appearance of the host property especially considering that the property is located within the Crystal Palace Park Conservation Area.

Planning permission is sought for the insertion of a door in the central panel of an existing bay window in order to provide direct access from Flat 9A into the garden. Objection has been raised from the resident of another flat at Number 9, citing that permission must be granted from the other freeholders of the property prior to any works being carried out, and failure to obtain this approval could result in legal action being taken against the applicants. However, this issue is in fact a private matter between the freeholders of the property as opposed to something which can be taken

into account as part of the planning merits of the scheme and therefore should not be assessed as part of the determination of the planning application.

However the issue raised by the local resident which is considered to be a planning matter is the comment made that the proposed development would be out of keeping with other properties in the area. It may be considered that whilst there is no other similar development that benefits from planning permission in close proximity to the application property, despite similar development being visible at Number 7 Crystal Palace Park Road, this does not mean that the proposal should necessarily be considered as unacceptable. The footprint of the bay window is not going to be altered, therefore it may be considered that the proposal, replacing a window pane with a door, is not excessive in nature and will not significantly alter the appearance or character of the host property.

As such, Members may be considered that the proposed development is unlikely to impact detrimentally upon the character and appearance of the host property, and is actually considered to preserve the character of the conservation area, therefore being worthy of planning permission being granted.

Background papers referred to during production of this report comprise all correspondence on file ref. 10/00564, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACC07  | Materials as set out in application      |
|   | ACC07R | Reason C07                               |

### **Reasons for granting permission:**

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- BE11 Conservation Areas
- H8 Residential Extensions

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the spatial standards of the area;
- (c) the appearance of the development in relation to the character of the conservation area;

- (d) the relationship of the development to the adjacent properties;
- (e) the character of development in the surrounding area;
- (f) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (g) the light and outlook of occupiers of adjacent and nearby properties;
- (h) the privacy of occupiers of adjacent and nearby properties;
- (i) the housing policies of the development plan;
- (j) the conservation policies of the development plan;
- (k) and having regard to all other matters raised including concerns from neighbours.

Reference: 10/00564/FULL1

Address: Flat A 9 Crystal Palace Park Road Sydenham London SE26 6EG

Proposal: Elevational alterations to provide new door at rear  
(AMENDED DESCRIPTION AND ADDITIONAL INFORMATION RECEIVED)



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SECTION ' 6' – Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 10/00909/FULL1

**Ward:**  
Biggin Hill

**Address :** 49 Sunningvale Avenue Biggin Hill TN16  
3BX

**OS Grid Ref:** E: 541558 N: 159490

**Applicant :** Viola Properties Ltd

**Objections :** YES

**Description of Development:**

Erection of terrace of six 3 bedroom houses and terrace of three 2 bedroom houses, ancillary car parking, bin storage and new access road from Sunningvale Close.

Key designations:

Biggin Hill Noise Contours  
Sites of Interest for Nat. Conservation

**Proposal**

- This proposal relates to the erection of nine residential dwellings comprising one terrace of six houses and another terrace of three. An access road will be formed off Sunningvale Close to serve the development.
- The six-house terrace (plots 1-6) will be sited toward the western part of the site and incorporate a footprint measuring approximately 30m x 10m. These properties will incorporate roofspace accommodation at second floor level with dormers added along the rear elevation. Given the sloping nature of the site, these houses will appear as two storey properties from the front elevation (8.3m in height) and three storeys (10.3m) at the rear – facing Sunningvale Avenue. On average, the rear gardens will measure 11m in depth.
- The three-house terrace (plots 7-9) will be sited to the east of plots 1-6. These will be built to a conventional 2 storey height up to 7.9m in height, and will incorporate an overall footprint measuring approximately 18m x 8m. The rear gardens will measure up to 8m in depth.
- The access road will be built off Sunningvale Close, approximately 60m away from the junction with Sunningvale Avenue. This will project northwards with the proposed houses fronting this road. The proposal also involves the improvement of Sunningvale Close and pedestrian access with sight lines

enhanced at the junction between Sunningvale Avenue and Sunningvale Close. Fourteen off-street parking spaces will be provided, mainly in front of the proposed houses, whilst a turning head will be added off the new access road. The submitted plans indicate that the access road could be expanded to serve any future development at the adjoining site at No 41 Sunningvale Avenue.

## **Location**

The application site forms an irregular shaped plot measuring 0.37ha in area and is situated to the east of Sunningvale Avenue, and adjoins Sunningvale Close along its southern boundary. The site rises steeply from west to east. To the rear of the site is a large steep bank which is densely wooded with mature landscaping. The north of the site adjoins the residential curtilage of No 41 Sunningvale Avenue which originally formed part of a larger development site incorporating the land at Nos. 41 and 49. This site does not form part of the current application. The area of land fronting Sunningvale Avenue which originally formed part of the curtilage of No 49 (within which 6 dwellings were originally proposed, but dismissed at appeal) no longer forms part of the current proposals. This area contains a substantial group of trees and will form a wedge between the proposed terrace of six and Sunningvale Avenue.

The site contains a number of mature trees and hedges which are described in an accompanying arboricultural report and is the subject of a Tree Preservation Orders 73 and 1517. The land to the east of the site is Urban Open Space, which is also a Site of Interest of Nature Conservation in the Unitary Development Plan.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application. Representations have been received which may be summarised as follows:

- this proposal is likely to lead to an overdevelopment of the site similar to proposals which have previously been refused and is a precursor to further applications
- development will undermine the scenic quality of the area
- both sites at Nos. 41 and 49 should be treated as a whole or else the developer will achieve a piecemeal of what has previously been attempted
- access road is shown left heading in the direction of Nos. 31 to 47 Sunningvale Avenue, so that access for further development is possible
- proposed terraces are of unattractive design and not typical of the local housing density or style
- development will adversely affect the enjoyment of existing residents' properties
- proposed bin area would be undesirable
- the surrounding area contains many trees and is not urban in character
- concerns for wellbeing of trees on the site and protection of scenic quality of the area



- concerns as to provision to protect large badger sets to the north of the site
- concerns as to how neighbouring gardens will be fenced off from development site
- concerns previously raised by planning inspector have not been addressed and this development is similar to rejected proposals
- deeds show that local residents have a legal interest in Sunningvale Close and are each responsible for one-eighth of cost of its maintenance
- Sunningvale Close is adopted by residents and the developer does not have a right to access the development from this road
- there is a statutory boundary fence erected by the original developer which clearly defines the boundary between No 49 Sunningvale Avenue and Sunningvale Close properties
- access to development should be provided directly off Sunningvale Avenue
- concerns relating to capacity of drainage system to serve the proposed development and damage to existing road from construction vehicles
- concerns relating to noises, fumes and nuisance from cars emanating from the development
- development will result in parking congestion
- inadequate parking provision
- concerns as to how emergency vehicles would access the development
- vehicle safety concerns relating to Sunningvale Close
- there is already sufficient housing provision in Biggin Hill

### **Comments from Consultees**

No technical highways objections have been raised, subject to appropriate conditions, including the making up of Sunningvale Close prior to the commencement of the development. Questions have been raised in relation to the ownership of Sunningvale Close which would have to be resolved privately.

No objection has been raised by the Tree Officer, subject to appropriate conditions being added to any permission.

No technical Drainage or Environmental Health objections have been raised, subject to conditions.

No objection has been raised by Thames Water.

### **Planning Considerations**

Policies Unitary Development Plan Policies are BE1 (Design of New Development), H7 (Housing), NE3 (Development and Nature Conservation Sites), NE7 (Development and Trees), T3 (Parking) and T18 (Road Safety).

### **Planning History**

There is extensive planning history attached to this site, which has been the subject of previous planning applications and appeals.

Planning permission was refused under ref. 89/03583 for 2 detached houses with an access road at 37-41 Sunningvale Avenue. The subsequent appeal was dismissed. The Inspector considered that the site formed a prominent and attractive feature of great importance in the wider landscape and that the proposed development would be damaging to both character and appearance of the area. The Inspector also found that the degree of overlooking and loss of privacy would be unacceptable, given the sharply rising nature of the land.

An application for 5 detached houses and 18 semi-detached houses with associated parking and access road at 41 and 49 Sunningvale Avenue (ref. 04/00522) was refused on the following grounds:

1. The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy
2. The proposed development, would create an unacceptable amount of disturbance to a badgers sett, creating the risk of future abandonment,
3. The proposed development would necessitate an unacceptable loss of protected trees which contribute to the visual amenities and character of the surrounding area
4. The scale of the proposed development is considered to be excessive and would amount to overdevelopment within the context of the significant physical constraints of the site, including protected woodland, active badger setts and steep gradients.

A subsequent appeal was dismissed. The Inspector commented that:

“The group value of the trees on the appeal site is attributable in part to the rural ambience that they bring to the street scene of this part of Sunningvale Avenue. However, of even greater importance, in my judgement, is their prominent presence in the wider landscape and, in particular, their contribution to the vistas available over longer distances from Arthur Road, Oaklands Lane and the rising valley slope to the west. In these views, the trees on the appeal site merge indistinguishably with the woodland above and behind them and thus form an integral part of an important landscape feature.

Although the steep wooded escarpment rising behind the appeal site would remain untouched in longer views from the west, there would be considerable erosion and masking of foliage at its base, above the roofline of existing frontage properties in Sunningvale Avenue. Rather than reading as a simple

restoration of an overgrown domestic landscape and being assimilated into the area with minimal impact, the proposed development would, in my judgement, seriously diminish the scenic quality of the hillside.”

The Inspector also commented that there would be an unacceptable degree of overlooking of Nos. 33B and 35A Sunningvale Avenue and an unacceptable loss of outlook at No. 47 Sunningvale Avenue.

Planning permission was again refused under reference 05/02385 for 10 semi-detached and 8 detached houses with associated parking and access road at 41 and 49 Sunningvale Avenue on grounds 1-3 as per the previous application and the following grounds that:

1. The proposed does not include on site provision of affordable housing units
2. Development in the manner proposed will infringe Biggin Hill Airports protected surface and compromise conditions of safety contrary to the Civil Aviation Authority's guidelines for safeguarding the airport.

Under application ref. 06/04524 an application concerning the development of the sites at 41 and 49 Sunningvale Avenue with 18 houses (2 detached, 10 semi-detached, and 6 terraced houses) with associated parking and access from Sunningvale Close was refused on the grounds that:

1. The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties including those in Sunningvale Close might reasonably expect to be able to continue to enjoy by reason of visual impact overlooking and disturbance associated with the access
2. The proposed development would necessitate an unacceptable loss of protected trees, which contribute to the visual amenities, and character of the surrounding area
3. The scale of the proposed development, particularly in respect of the terraced units, is considered to be excessive and would amount to overdevelopment within the context of the significant physical constraints of the site, including protected woodland and steep gradients.

The 2006 application was subsequently part allowed and part dismissed at appeal, the Planning Inspector dismissing the appeal in relation to plots 2 – 7 concerning the front of the site fronting Sunningvale Avenue (a part of the site which does not form part of the current application) . The Inspector allowed the appeal insofar as it related to plots 1 and 8 – 18.

In considering the proposal, the Inspector concluded that:

“the development of plots 1 and 8- 18 of the proposal would not have an unacceptable effect on trees and on widely visible views but that the development proposed on plots 2-7 would cause an unacceptable loss of groups of trees significant in widely visible views.”

However, the Inspector did not consider that the proposal would cause such an adverse effect on the living conditions of nearby residents to justify dismissing the appeal. He was satisfied that the layout of the part of the site on which he permitted the development would adequately balance the need to achieve a reasonable residential density with the need to preserve trees.

In 2008 three applications concerning the sites at Nos. 41 and 49 Sunningvale Avenue were submitted but subsequently withdrawn. There are set out in the following table:

08/00715 – site at 41 Sunningvale Avenue Demolition of remains of dwelling and erection of part 3 part 2 storey four bedroom dwelling with integral garage

08/01069 – sites at 41 and 49 Sunningvale Avenue Demolition of existing buildings and erection of nine 4 bedroom detached dwellings, 2 detached garages with associated parking and access road from Sunningvale Close

08/01946 – site at 41 Sunningvale Avenue Demolition of existing buildings and erection of nine 4 bedroom detached dwellings, 2 detached garages with associated parking and access road from Sunningvale Close

## **Conclusions**

The key issues to be considered relate to the impact of the proposal on the visual amenities of the area and whether this proposal overcomes concerns raised in previous applications.

Of particular relevance is the appeal decision issued in relation to the 2006 application (ref. 06/04524). In that case, 12 houses were allowed and 6 considered unacceptable. Along the Sunningvale Avenue frontage the Inspector recognised that the houses proposed within this area would mean the loss of two significant groups of trees. The importance of these two groups derives from their contribution from across the valley to the west, and in part to the rural ambience that they bring to the street scene of this part of Sunningvale Avenue. Since these 6 houses have been removed from this proposal the key objection cited in the previous case has demonstrably been overcome.

The principle of creating an access road off Sunningvale Close was also accepted by the Inspector in the 2006 application. The Inspector in that case added a condition that that cul-de-sac would be made up. A similar condition is proposed with regard to this application, although it is considered that such work should occur prior to the main

development commencing so as to maintain adequate access arrangements to the existing properties fronting Sunningvale Close.

A key consideration relates to the overall impact of the 9 houses proposed in this application and how these compare visually and in prominence to the houses approved under the 2006 application. With regard to the terrace of 6, these will be sited within a similar position to the semi detached houses permitted at plots 8-11 of the 2006 scheme. In view of their height, it is considered that the visibility and prominence of these properties will be comparable to the semis permitted under that earlier application. The units at 7-9 which will be located along the eastern side of the proposed access road will be in a similar position to unit 12 of the approved 2006 scheme and the conventional 2 storey design of these properties will reflect the flat nature of this part of the site.

With regard to affordable housing, given the number of units proposed and overall size of the site, there is no requirement for such units to be provided. However, should the number of units be increase either within this particular site, or by adjoining the sites at Nos. 41 and 49, the Council may seek for a proportion of the properties to be affordable.

With regard to neighbouring amenity, given the siting of the proposed houses and their separation from surrounding properties, it is not considered that the amenities of surrounding properties will be adversely affected. This issue had, to a large extent, been addressed in previous proposals and it is not considered that this development will be significantly more prominent within the vicinity than the part of the 2006 application allowed at appeal.

With regard to the impact of the proposal on badgers and air safety, these matters were considered in the 2006 application and subsequent appeal, but were not deemed to be issues that would justify refusing the application. In this case, the proposed development will be situated well away from the badger setts situated within the curtilage of the adjoining property at No 41.

Taking the above matters into account it is recommended that permission be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 04/00522, 05/02385, 06/04524 and 10/00909, excluding exempt information.

as amended by documents received on 27.05.2010

#### **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs  
ACA01R A01 Reason 3 years
- 2 No development shall commence until a scheme for the making up of Sunningvale Close to adoptable standard has been submitted to and approved in writing by the Local Planning Authority and the making-up is completed in accordance with those details. Any damage to the road shall be repaired to the satisfaction of the LPA before any dwelling hereby permitted is occupied.  
ACH26R Reason H26
- 3 ACA04 Landscaping Scheme - full app no details  
ACA04R Reason A04
- 4 ACA07 Boundary enclosure - no detail submitted  
ACA07R Reason A07
- 5 ACK09 Soil survey - contaminated land  
ACK09R K09 reason
- 6 ACI02 Rest of "pd" Rights - Class A, B,C and E  
**Reason:** To prevent an overdevelopment of the site and in the interest of residential amenity and the visual amenities of the area, in accordance with Policies BE1 and H7 of the Unitary Development Plan.
- 7 ACB18 Trees-Arboricultural Method Statement  
ACB18R Reason B18
- 8 ACB19 Trees - App'ment of Arboricultural Super  
ACB19R Reason B19
- 9 ACC01 Satisfactory materials (ext'nl surfaces)  
ACC01R Reason C01
- 10 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 11 ACH10 Provision of sight line (3 inserts) 43m x 2.4m x 43m the  
junction of Sunningvale Close with Sunningvale Avenue 1m  
ACH10R Reason H10
- 12 ACH17 Materials for estate road  
ACH17R Reason H17
- 13 ACH29 Construction Management Plan  
ACH29R Reason H29
- 14 ACH32 Highway Drainage  
ADH32R Reason H32
- 15 ACD04 Foul water drainage - no details submitt  
ADD04R Reason D04
- 16 Notwithstanding the details shown on the approved drawings, details of the proposed slab levels of the buildings and 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 in accordance with the approved details.  
ACK06R K06 reason
- 17 ACN04 Badgers-superv'sn of works close to sett  
ACN04R Reason N04

- 18 At least four bat boxes shall be erected on trees to be retained before any work commences on site.  
ACN05R Reason N05
- 19 Before any dwelling is first occupied, details of a scheme for the management of any land on site outside the curtilage of any dwelling shall have been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be in operation.  
ACB06R Reason B06
- 20 No dwelling shall be occupied until integrated solar electric and thermal hot water systems have been installed on each dwelling and are operational in accordance with the sustainable and energy efficient development statement submitted with the application.  
ADL01R Reason L01
- 21 ACK05 Slab levels - no details submitted  
ACK05R K05 reason
- 22 ACA05 Landscaping scheme - implementation  
ACA05R Reason A05
- 23 ACA06 Size and type of trees  
ACA06R Reason A06
- 24 ACA08 Boundary enclosures - implementation  
ACA08R Reason A08
- 25 ACB01 Trees to be retained during building op.  
ACB01R Reason B01
- 26 ACB02 Trees - protective fencing  
ACB02R Reason B02
- 27 ACB03 Trees - no bonfires  
ACB03R Reason B03
- 28 ACB04 Trees - no trenches, pipelines or drains  
ACB04R Reason B04
- 29 ACH14 Grad of access drives (unmade road) (1) 1 in 10  
ACH14R Reason H14
- 30 ACH26 Repair to damaged roads  
ACH26R Reason H26
- 31 ACH33 Car Free Housing  
ACH33R Reason H33
- 32 ACI18 No additional hardstanding  
ACI18R I18 reason

**Reasons for permission:**

In granting permission the Local Planning Authority had regard to the following policies of Unitary Development Plan:

- BE1 Design of New Development  
H7 Housing Density and Design  
NE7 Development and Trees

T3 Parking  
T18 Road Safety

The development is considered satisfactory in relation to the following:

- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the impact of the development on surrounding trees
- (f) the light and outlook of occupiers of adjacent and nearby properties;
- (g) the privacy of occupiers of adjacent and nearby properties;

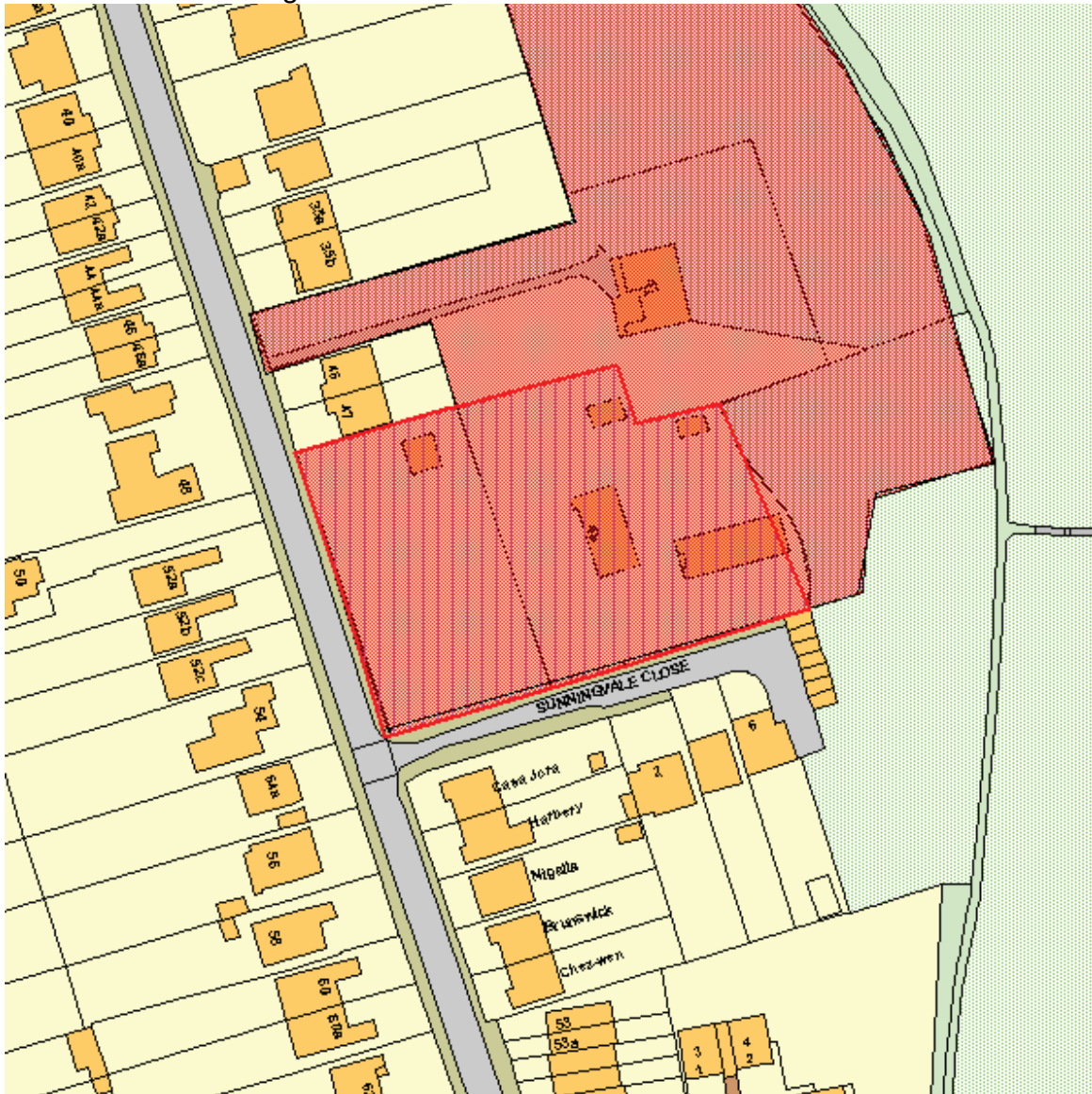
and having regard to all other matters raised.



Reference: 10/00909/FULL1

Address: 49 Sunningvale Avenue Biggin Hill TN16 3BX

Proposal: Erection of terrace of six 3 bedroom houses and terrace of three 2 bedroom houses, ancillary car parking, bin storage and new access road from Sunningvale Close.



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## SECTION '7' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 10/00649/FULL1

**Ward:**  
Darwin

**Address :** Land North East Of Summer Shaw  
Cudham Lane North Cudham  
Sevenoaks

**OS Grid Ref:** E: 544551 N: 160123

**Applicant :** Mrs F. Crompton

**Objections :** YES

### **Description of Development:**

Single storey building for accommodation of sheep, cattle and horses, and use of land for agriculture and grazing of horses

### **Proposal**

The application is for a block comprising stables, foaling boxes and storage rooms.

The applicant is currently the joint owner of The Paddocks, an 8.5 ha holding, which lies to the east of Court Cottages. Access to the holding is north of Cacketts Lane, approximately 1km drive from Court Cottages. The applicant developed a smallholding at the Paddocks from 1987 with livestock including ewes, beef cattle, goats, horses and a variety of geese, ducks and chickens. Personal circumstances restricted development of the holding from 1994 and the land remains in the joint ownership of the applicant and her ex-husband. The livery business has developed over time and it is understood that it now includes the rescue of horses and ponies, riding lessons to local children and training of problem horses for owners. There are a number of buildings available at The Paddocks including an L-shaped stable block incorporating seven stables and a small hay store. The stables currently accommodate 17 horses in total; ten horses owned by the applicant, including rescued ponies, mares (including 4 broodmares) and riding horses; four DIY liveries and 3 horses under training. The livery clients use the stable facilities whilst the rescued ponies live out all year.

A court order has been prepared to force the sale of The Paddocks. The 10 ha of land adjoining Court Cottages and The Paddocks, known as Meads Pleasure (the application site), was purchased by the applicant and her current husband in April 2008. The land can be accessed directly from the applicant's property (No. 1 Court

Cottages) with an additional access point and parking area in the north-western corner of the land from Cudham Lane. It is understood that the applicant wishes to further develop the smallholding to a maximum of 15-20 horses, 150 sheep (including ewes and lambs), 4 beef cattle, 50 chickens and 6 beehives. A U-shaped stable block is proposed at Meads Pleasure to accommodate the increased numbers and to provide for the animals once the land and buildings at The Paddocks are sold and no longer available.

The block will measure 20m x 20m, with a ridge height of 4m and an eaves height of 3m. The building incorporates:

- i) three stables measuring 3.3m x 3.5m
- ii) five stables measuring 3m x 3.7m
- iii) three foaling boxes measuring 3.3m x 4.9m
- iv) feed and tack store measuring 3.3m x 4.9m
- v) general store room measuring 3.3m x 5.1m.

The yard area within the U-shape of the stable block would be left as grass with a mesh underlay and a concrete apron measuring 2.8m deep would be provided in front of the stables. The building would be sited approximately 10m from the residential curtilage of Court Cottages and 3.5m from the roadside hedge.

### **Location**

The site is open Green Belt land to the north of Cudham Village and lies adjacent to Cudham Conservation Area, a Site of Interest for Nature Conservation and a proposed World Heritage Site. The surrounding area predominantly comprises open countryside.

### **Comments from Local Residents**

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

- size, scale and bulk of building would harm character and appearance of Conservation Area and openness of the Green Belt
- inappropriate development in the Green Belt and no very special circumstances have been demonstrated
- building has been re-sited following earlier refusal of planning permission but remains unacceptably close to residential properties and Conservation Area
- scheme should be amended so that building is closer to NW entrance and car park and not the joint residential access and church car park which will be likely to be used
- access via Court Cottages is a residential access only and not suitable for business use

- condition should be attached to any planning permission restricting use of residential access for farm or business related activities
- increased traffic
- proposed access will be unsafe, particularly for inexperienced horse riders
- important that muck heap is located away from residential properties
- close proximity to residential properties will result in visual impact, noise, smells and loss of privacy
- facility is for leisure activity of horse riding which is already well catered for in the surrounding area
- drainage problems.

### **Comments from Consultees**

There are no objections in terms of Environmental Health.

Reading Agricultural Consultants (RAC) have commented that:

- 10 ha of land available at Meads Pleasure along with the inclusion of additional rented land is sufficient to support the proposed level of activity
- proposed development of eleven stables at Meads Pleasure could not be considered as 'small stables' and would therefore be inappropriate development in the Green Belt
- the equestrian enterprise has operated for a number of years at similar equine numbers as currently and it is clear that the provision of seven stables and a small hay store at the Paddocks has been sufficient to support the enterprise
- number of livery clients has dropped from six to four since the previous planning application and from these horse numbers it is difficult to conclude that the proposed eight stables are essential for the enterprise
- three foaling boxes for the four foaling mares appears to be an over-provision for the requirements of the number of mares as it would be highly unusual for them to foal at the same time and it is usual to move mares and foals out of stables to grass as soon as possible
- it is proposed to use the stables to house the calves but this would only be once in every eighteen months when the new calves are purchased
- plan also includes two stores for feed and tack and general storage, which appears reasonable for an enterprise of this nature.

RAC also comment that there would be a requirement for stabling for the horses using the facilities at The Paddocks should it be sold to a third party, however it would appear to be entirely reasonable to include a 'changeover period' within the contract of sale. This would enable the applicant to secure any necessary permission for stabling at a time when it was certain that there were no other buildings available for use by the existing enterprise. This is standard practice amongst farmers.

RAC conclude that:

'...whilst the buildings at The Paddocks remain available to Mrs Crompton, it is not possible to conclude that there is an additional requirement for the proposed stable building at Meads Pleasure. The outcome of any future sale remains uncertain. It is clear that the buildings remain, today, available to the applicant, albeit that the long-term availability of these buildings is uncertain.

In addition, even if the buildings at The Paddocks were not available for use by the applicant, I am of the opinion that the proposed stabling could not be considered as 'small stables' and would therefore be inappropriate development in the Green Belt. No very special circumstances have been demonstrated to overcome the presumption against this development in the Green Belt.'

### **Planning Considerations**

Two single-storey buildings for use as a barn and the accommodation of sheep, cattle and horses and the use of land for agriculture and grazing of horses was proposed under planning application ref. 09/02456. The application was refused on 24 November 2009 on the following grounds:

1. The proposal, by reason of its height and scale, will be harmful to the openness and visual amenities of the Green Belt and will constitute inappropriate development and the Council sees no very special circumstances to justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
2. The proposal, by reason of its height and scale, would be harmful to the character and appearances of the Cudham Conservation Area, contrary to Policy BE13 of the Unitary Development Plan.

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

#### **UDP**

- G1 The Green Belt
- BE1 Design of New Development
- BE3 Buildings in Rural Areas
- BE13 Development adjacent to a Conservation Area
- NE2 Development and Nature Conservation Sites
- NE6 World Heritage Site
- L3 Horses, Stabling and Riding Facilities

Policy G1 of the Unitary Development Plan 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.

The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate, unless it is for the following purposes:

- (i) agriculture and forestry (unless permitted development rights have been withdrawn);
- (ii) essential facilities for outdoor sport and outdoor recreation and open air facilities and other uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it...'

Planning Policy Guidance Note 2 expands on appropriate uses in the Green Belt at paragraph 3.5:

Essential facilities should be genuinely required for uses of land which preserve the openness of the Green Belt and do not conflict with the purposes of including land in it. Possible examples of such facilities include...small stables for outdoor sport and outdoor recreation.

Earth was being moved by diggers when the case officer visited the site which would constitute an engineering operation requiring planning permission. At the time of writing the Council's Planning Investigations team are looking into the matter.

The main issues to be considered in this case are as follows:

- whether very special circumstances have been demonstrated to justify inappropriate development in the Green Belt
- impact of the proposal on the openness and visual amenities of the Green Belt
- impact of the proposal on the character and appearance of the adjacent conservation area and World Heritage Site
- impact of the proposal on the amenities of the occupants of nearby residential properties.

In particular, consideration should be given to whether the amendments to the earlier scheme and the change in circumstances since planning permission was refused are sufficient to overcome the previous grounds of refusal.

## **Conclusions**

The previous application was determined on the basis that the proposed buildings were needed at Meads Pleasure prior to the sale of The Paddocks, so that livestock could be transferred to the new facilities on completion of the sale of the buildings at The Paddocks. RAC advised that, whilst the buildings at The Paddocks remained available to the applicant, it could not be concluded that there was an additional requirement for the proposed buildings at the application site. The applicant has now provided two court orders to RAC dated 12 December 2009 and 21 May 2010 relating to the sale of The Paddocks. The orders state that The Paddocks is to be marketed for sale until 19 November 2010 when, if the property remains unsold, it shall be sold

by auction. If the property is sold at auction then both parties shall be entitled to bid. It therefore remains that there is no certainty that the buildings at The Paddocks could not continue to be available to the applicant. Even if the buildings were not available to the applicant the proposal is inappropriate development in the Green Belt because it cannot be considered 'small stables' and RAC have advised that the development would be excessive given the size and nature of the enterprise. The applicant has not put forward any very special circumstances which might justify the grant of planning permission as an exception to Policy G1.

The scheme previously refused planning permission has been amended with the removal of a pole barn whilst the stable block will be located approx. 10m north of the previously identified location. The stable block will remain a substantial structure and it is considered that the amendments to the scheme do not overcome earlier concerns regarding the openness and visual amenities of the Green Belt. Views of the building from Cudham Lane North will be limited given the topography of the land and the hedging to the site boundary. However, given that the building will be approximately the same distance from the adjacent conservation area it cannot be considered that the earlier ground of refusal regarding the impact on the conservation area has been successfully overcome.

#### **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

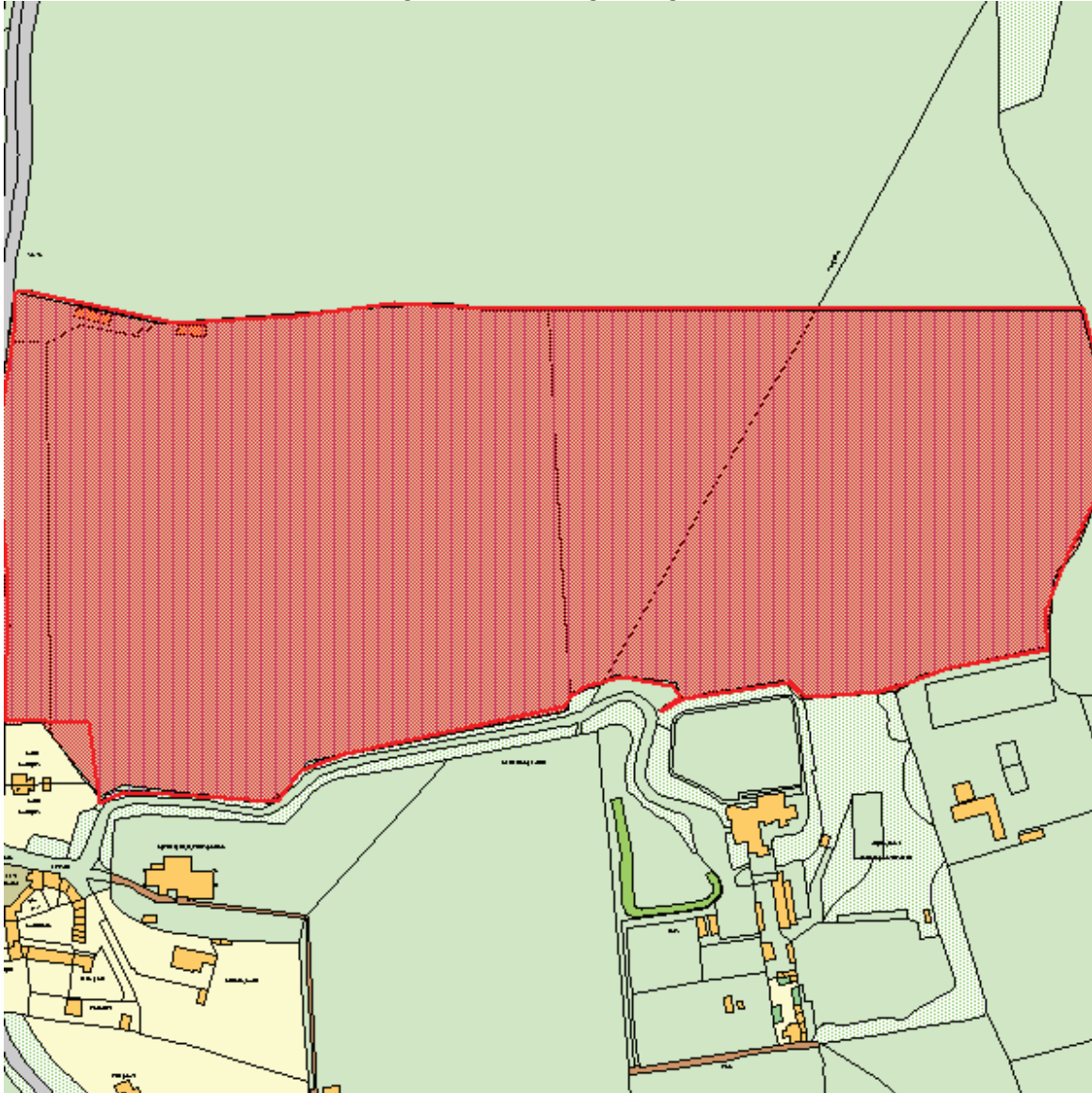
- 1 The proposal, by reason of its height and scale, will be harmful to the openness and visual amenities of the Green Belt and will constitute inappropriate development and the Council sees no very special circumstances to justify the grant of planning permission as an exception to Policy G1 of the Unitary Development Plan.
- 2 The proposal, by reason of its height and scale, would be harmful to the character and appearance of the Conservation Area contrary to Policy BE13 of the Unitary Development Plan.



Reference: 10/00649/FULL1

Address: Land North East Of Summer Shaw Cudham Lane North Cudham  
Sevenoaks

Proposal: Single storey building for accommodation of sheep, cattle and horses, and  
use of land for agriculture and grazing of horses



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## SECTION '7' – Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 10/01016/FULL1

**Ward:**  
Mottingham And Chislehurst  
North

**Address :** The Elms and Land Adjacent  
Mottingham Lane Mottingham London

**OS Grid Ref:** E: 541438 N: 173190

**Applicant :** Mr G Humphris-Day

**Objections :** YES

### **Description of Development:**

Detached two storey 5 bedroom dwelling with rear balcony integral double garage, vehicular access and front boundry wall, fence and gates.

Key designations:

Areas of Archeological Significance  
Green Chain  
Metropolitan Open Land

### **Proposal**

- It is proposed to construct a detached two storey 5 bedroom dwelling on this site which would include an integral double garage
- A new front boundary wall would be provided with electrically-operated gates
- A 3m wide ransom strip is shown adjacent to the eastern side boundary of the site

### **Location**

This plot of land measures 0.23ha. and is located within Metropolitan Open Land while also being part of the designated Green Chain. Until recently, the land was used as an area of woodland containing no buildings, however, structures, including a mobile home, a shed and hardstanding, have recently been erected without planning permission, and are currently the subject of enforcement action.

The site lies adjacent to Fairmount Nursing Home to the west (which is Grade II Listed), and Norlesden House to the east, both of which are substantial sized buildings within large plots, which are set back some 18-20m from their respective front boundaries. An area of land to the rear is also within the ownership of the applicant (outlined in blue on the submitted plans).

The whole site is covered by a blanket Tree Preservation Order (No.2339) made in October 2009.

### **Comments from Local Residents**

A number of letters in support of the proposals have been received from nearby residents who consider mainly that the proposals would enhance the street scene and prevent the site from being used for fly tipping or other unauthorised activities.

However, Mottingham Residents' Association raises the following objections:

- the application does not provide very special circumstances to justify the development
- the residential use is deemed inappropriate under MOL Policy G2
- the proposals would be detrimental to the openness and visual amenity of the MOL, and would be detrimental to the views from Mottingham Lane and surrounding properties.
- proposals would set an unwelcome precedent.

### **Comments from Consultees**

The Council's highway engineer considers that there is ample parking and turning areas provided within the site, and notes that the proposed gate has been set back 5m from the highway and the wall set back to provide pedestrian visibility splays. However, the proposed front boundary wall affects the sightlines to the left, and it is therefore considered that a speed survey should be carried out to establish whether the existing sightlines are adequate, or whether the front boundary wall should be amended.

Drainage comment that as there are no public surface water sewers near this site, surface water would have to be drained to soakaways.

Environmental Health recommend the imposition of conditions regarding protection from traffic noise (due to the close proximity to the Sidcup By Pass) and any site contamination.

Thames Water raises no objections in principle to the proposals, subject to adequate provision for the disposal of surface water.

With regard to protected trees, inadequate information has been submitted regarding the existing trees on the site, therefore no proper assessment can be made as to the likely impact of the proposals on the trees.

Any further comments received with regard to Countryside Management and Waste will be reported verbally at the meeting.

### **Planning Considerations**

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
- G2 Metropolitan Open Land
- G7 South East London Green Chain
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

### **Planning History**

This site was previously occupied by a large detached Victorian dwelling, but this was removed during the mid-1960s, and the site has been vacant ever since, covered by an area of regenerated woodland.

Permission was refused in 1987 (ref.87/00705) for the erection of a four storey block comprising 14 flats and associated parking on this site on grounds relating to detrimental impact on Metropolitan Open Land and on the Green Chain within which recreational uses should predominate, loss of trees, creation of a hazardous vehicular access, and loss of privacy and prospect to the occupiers of Norlesdon House adjacent.

The subsequent appeal was dismissed in 1988 wherein the Inspector recognised that the general character of the immediate locality was one of mostly open land within an attractive environment of trees, woodlands and houses in large curtilages. He considered that to intensify development in this area would cause significant harm to the character of this part of Mottingham Lane and the general environment of the locality, and would thus be contrary to Government advice and the policies of the Council's adopted Borough Plan.

The Inspector also considered that the dense regenerated woodland provided a substantial contribution to the character of the locality, and that the loss of trees required to carry out the development would cause significant harm to the appearance of the area.

A recent application for the erection of 1.8m high timber fencing to the front, side and rear boundaries and a new vehicular access (ref.10/00133) was refused in March 2010 on the following grounds:

- 1 The front gates and fencing, by reason of their size and siting, result in a detrimental impact on the open character of the site and the views into the Metropolitan Open Land, contrary to Policy G2 of the Unitary Development Plan.

An enforcement notice was served to secure the removal of the gates and fencing, and an appeal has now been lodged.

An appeal has also been lodged against the serving of an enforcement notice for the unauthorised construction of an area of hardstanding and concrete slab, while enforcement action has recently been authorised to seek the removal of a mobile home on the site.

## **Conclusions**

The primary considerations in this case are, in the first instance, whether the proposal would constitute inappropriate development within an area designated as Metropolitan Open Land, and if so, its effect on the openness and visual amenities of and the purposes for including land in MOL, and whether any benefits of the scheme would clearly outweigh any harm by reason of inappropriateness and any other harm, and thus justify the development on the basis of very special circumstances.

If the principle of the scheme is accepted, the other main considerations are the impact of the proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residents, on protected trees on the site, and on pedestrian and vehicular safety in the close vicinity.

UDP Policy G2 states that the construction of new buildings within MOL is inappropriate unless it is for purposes including agriculture, forestry, essential facilities for outdoor sport and recreation, and limited extensions, alterations or replacement of existing dwellings. In this regard, the residential use of the site has been long abandoned (as accepted by the applicant), therefore, the proposals would constitute inappropriate development in MOL, which is, by definition, harmful to the openness of MOL.

The applicant has put forward very special circumstances in order to justify inappropriate development, the main points of which are summarised as follows (the full planning statement is available on file for Members' information):

- the site was previously in residential use and can be defined as previously developed land, while the proposed dwelling would be smaller than that originally on the site

- the larger area of “blue land” also in the applicant’s ownership would be retained as woodland and a 3m wide “ransom strip” would be retained along the eastern boundary to allow access for the Green Chain and maintain a feeling of openness
- the site is within a built-up area with residential properties either side, both of which are in MOL, and the land does not have any of the open character associated with MOL designation but should be regarded as derelict land which can provide regeneration benefits
- Fairmount to the west (which also lies within MOL) has been greatly extended over the years, and the proposed dwelling would not project further to the rear than the building at Fairmount, thus not encroaching on an area of openness
- several mature trees would remain on the frontage, and along with a low fence, would retain its semi-rural character
- the land is too small to be considered suitable for recreational uses (a purpose for including it within MOL) or for agriculture, and has never provided public access.

The residential use of the application site was abandoned over 40 years ago, and the rural and open nature of the site, free from built development, has since made a substantial contribution to the character of the locality, as recognised by the Inspector on appeal in 1987. The proposals would result in a loss of openness, and the above considerations would not outweigh the presumption against inappropriate development in this area of Metropolitan Open Land.

In terms of the impact on neighbouring properties, the proposed dwelling would provide adequate separations to the adjoining buildings and would follow the general line of built development along this side of Mottingham Lane. The western part of the house would be set back approximately 5.5m with a lower roofline to provide a more subservient feature, and no windows are proposed in the side elevations. The proposals are not, therefore, considered to have an adverse impact on the amenities of adjoining occupiers.

There are a number of protected trees on this site which make a significant contribution to the character of the locality, and without adequate information to ensure that these trees will be properly protected, the proposals may have a detrimental impact on the trees on the site, adding further to the harm caused to this area of MOL.

With regard to pedestrian and highway safety, the proposed front boundary wall would affect sightlines along Mottingham Lane, and in the absence of a speed survey to ascertain the adequacy of the existing sightlines, the proposals may have an adverse effect on road safety.

Background papers referred to during production of this report comprise all correspondence on file refs. 87/00705, 10/00133 and 10/01016, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The site is located within Metropolitan Open Land where there is a presumption against inappropriate residential development, and the Council sees no very special circumstances in this case which might justify the grant of planning permission as an exception to Policy G2 of the Unitary Development Plan.
- 2 The proposals would result in a loss of openness, detrimental to the character and appearance of this area of Metropolitan Open Land, thereby contrary to Policy G2 of the Unitary Development Plan.
- 3 The protected trees on this site make a significant contribution to the character of the locality, and in the absence of adequate information to ensure that the trees will not be affected by the development, the proposals are likely to have a detrimental impact on the trees on the site, thereby contrary to Policy NE7 of the Unitary Development Plan.
- 4 The proposed front boundary wall would affect sightlines along Mottingham Lane, and in the absence of a speed survey to ascertain the adequacy of the existing sightlines, the proposals are likely to have an adverse effect on road safety, thereby contrary to Policy T18 of the Unitary Development Plan.



Reference: 10/01016/FULL1

Address: The Elms And Land Adjacent Mottingham Lane Mottingham London

Proposal: Detached two storey 5 bedroom dwelling with rear balcony integral double garage, vehicular access and front boundary wall, fence and gates.



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## London Borough of Bromley

Report No.  
DRR10/00075

PART 1 - PUBLIC

Agenda  
Item No.

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Title: **ALTERATIONS TO APPROVED DRIVEWAY LAYOUT AND PLANTING PURSUANT TO LANDSCAPING SCHEME AT 15 DURHAM AVENUE, BROMLEY, BR2 0QE**

Decision Maker: **Plans Sub-Committee No.2** Decision Date: **15 Jul 2010 2010**

Decision Type: Non-Urgent Non-Executive Key

Budget/Policy Framework: Within policy and budget

Chief Officer: Chief Planner

Contact Officer: Tim Bloomfield, Development Control Manager  
Tel: 020 8313 4687 E-mail: tim.bloomfield@bromley.gov.uk

Ward: Shortlands

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### 1. SUMMARY

- 1.1 Planning permission was granted under ref. 09/00835 for a two storey four bedroom detached house and a two storey five bedroom detached house with integral garages, bin store and associated hard/soft landscaping at land adjoining 4 Lancaster Close and rear of 15 Durham Avenue. The development is now substantially complete and one of the dwellings is now occupied. An alteration has been made to the width of the driveway as approved, and the planting that has been put in pursuant to Condition 2 (landscaping scheme - implementation) appears to be of the incorrect size.

### 2. RECOMMENDATION

- 2.1 Alteration to the width of the approved driveway – no further action.
- Planting pursuant to landscaping scheme – Members' views are requested.

### 3. COMMENTARY

- 3.1 Planning permission was granted on appeal under ref. 06/04141 for a two storey three bedroom detached house and a two storey four bedroom detached house with integral garages at land adjoining 4 Lancaster Close and rear of 15 Durham Avenue.
- 3.2 Under ref. 09/00835 a fresh planning application was submitted seeking permission for minor amendments to the scheme previously allowed at appeal. Permission was granted for this application at Committee on 11<sup>th</sup> June 2009.
- 3.3 Since that time works have been undertaken on site and the development is now substantially complete, with one of the dwellings already in occupation. Concerns have been raised locally however that the driveway had been constructed to a greater width than the approved plans indicated, which was considered likely to impact to on-street parking in Lancaster Close in view of the fact that one on-street parking space had effectively been removed immediately adjacent the site on the basis of the increased width of the driveway and associated crossover. These concerns were raised with the developer, and works have recently been carried out to reduce the width of the driveway

back to the approved width. A small area of paving has been retained to the front of the site however, for the storage of bins on collection day.

- 3.4 In view of the alterations that have been made to the drive, in reducing the width and effectively re-instating the on-street parking availability to the same as the approved layout, Members may agree that no further action would be necessary in this case. Although the driveway differ slightly from the approved layout by virtue of the area of hard surface that has does been retained for the storage of bins on collection day, this is not considered to be problematical in terms of its impact to the character and visual amenities of the street scene or wider area generally.
- 3.5 With regard to the planting, Condition 2 required that the landscaping scheme as shown on the approved plans be implemented in accordance with those details, in the first planting season following substantial completion or first occupation of the development. Condition 3 required that all trees be of standard nursery stock size in accordance with British Standard 3936:1980 (Nursery Stock art 1: Specification for Trees and Shrubs), and of native broad-leaved species where appropriate. While the developer’s agent has confirmed that the planting has been put in to BS 3939:1980, it is clear that some of the planting, particularly that to the front of the site, is of the correct species but a significantly smaller size than the landscaping scheme specified. This planting will of course take longer to reach the desired height than the planting which had been specified, however has now become established. Any re-planting would inevitably necessitate a more involved programme of maintenance to ensure that the planting were to successfully establish itself, particularly during the summer months.
- 3.6 From an arboricultural point of view it is not considered that there are significant public amenity concerns with regard to the planting as currently exists, while in planning terms the character of Lancaster Close is typically ‘open plan’ and indeed it is not considered that the character and amenities of the area are significantly affected by the reduced size of planting that has been implemented. However concerns have been raised locally that the cost of the planting which has been put in place is significantly less than the cost for the size and standard of planting that was specified on the landscaping scheme. It is suggested that this financial cost has been saved at the expense of the amenities of local residents, with particular regard to the screening effect that the larger specimens would have afforded.
- 3.7 In light of the above Members views are requested as to whether it would be expedient to take any further action in respect of this matter, having regard to the concerns raised locally, the character of the area and whether there are significant public amenity concerns to justify further action in this case.

#### 4. POLICY IMPLICATIONS

- 4.1 UDP Policy BE1 is relevant.

<b>Non-Applicable Sections:</b>	Financial, Legal and Personnel Implications
Background Documents: (Access via Contact Officer)	Enforcement files contain exempt information, as defined in Schedule 12A of the Local Government (Access to Information) Act 1985, and are therefore not available for public inspection.

Ref: DC/09/00835 & DC/06/04191

Report No.  
DRR/10/00076

London Borough of Bromley

Agenda  
Item No.

## PART 1 - PUBLIC

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**Decision Maker:** Plans Sub Committee No.2

**Renewal and Recreation Portfolio Holder**

15<sup>th</sup> July 2010

**Date:**

19<sup>th</sup> July 2010

**Decision Type:**

Non-Urgent

Executive

Non-Key

**Title:**

**NON-COMPLIANCE WITH ENFORCEMENT NOTICE  
10 HOMEFIELD ROAD, BROMLEY BR1 3AL**

**Contact Officer:**

Tim Horsman, Deputy Team Manager (Development Control)  
Tel: 020 8313 4956 x 3722 E-mail: tim.horsman@bromley.gov.uk

Greg Ullman, Team Leader

Tel: 020 8461 7647 E-mail: greg.ullman@bromley.gov.uk

**Chief Officer:**

Director of Legal Democratic and Customer Services  
Chief Planner

**Ward:**

Bickley

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### 1. Reason for report

- 1.1 The owner of the Land has failed to take the action required to comply with an Enforcement Notice regarding the complete removal of railings around a flat roof balcony. Following authorisation and the setting of a date for direct action the owner confirmed that he had removed the railings. However a subsequent site visit has revealed that a section adjacent to the neighbouring property remains and has a fence panel attached to it. No information has been forthcoming to suggest that there is any intention to comply with the enforcement notice and harm is ongoing to the amenities of neighbouring properties.

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### 2. **RECOMMENDATIONS**

- 2.1 Members of Plans Sub Committee 2 are asked to support the proposed action below to ensure compliance with the Enforcement Notice.
- 2.2 The Renewal and Recreation Portfolio Holder is asked to approve that:
- (i) the previously authorised direct action be proceeded with so that steps required by the Enforcement Notice can be complied with and the remaining railings removed; and
  - (ii) additionally, and thereafter, the costs (including any abortive costs) be recovered from the owner, and if necessary, a charge be placed on the Land.

### Corporate Policy

1. Policy Status: Existing policy.
  2. BBB Priority: Quality Environment.
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### Financial

1. Cost of proposal: Estimated cost £1,840 (rechargeable to property)
  2. Ongoing costs: Non-recurring cost.
  3. Budget head/performance centre: Planning Investigation / Enforcement in Development Control
  4. Total current budget for this head: £133,530
  5. Source of funding: Existing revenue budget for 2010/11
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### Staff

1. Number of staff (current and additional): N/A
  2. If from existing staff resources, number of staff hours: N/A
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### Legal

1. Legal Requirement: Non-statutory - Government guidance.
  2. Call-in: Call-in is applicable
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### Customer Impact

1. Estimated number of users/beneficiaries (current and projected): Borough-wide
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### Ward Councillor Views

1. Have Ward Councillors been asked for comments? No.
2. Summary of Ward Councillors comments: Previously supported action

### 3. COMMENTARY

- 3.1 The property is an end of terrace three storey town house with integral garage, built in the 1960s and fronting the east side of Homefield Road.
- 3.2 Direct action was authorised by the in 2009 to secure removal of the railings, as the owner was unwilling to carry out the work. The owner eventually confirmed that he had carried out the work the day before the Council's contractor was due to attend the site, resulting in abortive costs.
- 3.3 However the owner has chosen to retain the section adjacent to the neighbouring terraced property and has subsequently attached a fence panel to this, resulting in visual harm and a loss of lighting and prospect to the neighbouring property.
- 3.3 Members are asked to note that it is intended to proceed for the second time with direct action to ensure the removal of the remaining section of railings, this time advising the owner that he will be expected to meet any abortive costs.
- 3.4 The owner was written to by letter dated 10<sup>th</sup> May 2010 giving 28 days to secure and confirm removal of the railings and fence panel. No response has been received and a site visit on 17<sup>th</sup> June 2010 confirmed that the railings and fence panel remain in place.

### 4. POLICY IMPLICATIONS

- 4.1 Policies BE1 and H7 of the Unitary Development Plan.

### 5. FINANCIAL IMPLICATIONS

- 5.1 In the event of taking direct action to ensure compliance with the notice, the Council would seek to recover the cost of works from the owner, if necessary by way of a charging order against the property. The cost of carrying out the work would be £1,840.

### 6. LEGAL IMPLICATIONS

- 6.1 As a result of the judgment in the High Court the enforcement notice has taken effect. Notwithstanding the representations made by the owner's solicitor the development which the enforcement notice seeks to remove and amend cannot be lawful as it is the subject of an outstanding enforcement notice.

<b>Non-Applicable Sections:</b>	Personnel Implications.
Background Documents: (Access via Contact Officer)	Enforcement and Legal files containing exempt information as defined by Schedule 12a of the Local Government (Access to Information) Act 1985 are not available for public inspection.

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