



THE LONDON BOROUGH  
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DATE: 8 May 2018

To: **ALL MEMBERS OF THE COUNCIL**

**BY DECISION OF THE COUNCIL, THE AGENDA OF MEETINGS OF THE PLANS SUB-COMMITTEES ARE TO BE SENT TO ALL MEMBERS OF THE COUNCIL.**

Subject to the Plans Sub-Committee being reconstituted and Members of the Sub-Committee being appointed by the Development Control Committee on Wednesday 16 May 2018, there will be a meeting of the Plans Sub-Committee 4 at the Bromley Civic Centre on **THURSDAY 17 MAY 2018 AT 7.00 PM**

MARK BOWEN  
Director of Corporate Services

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

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

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

**To register to speak please telephone Democratic Services on 020 8461 7566**

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

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

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

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(Applications meriting special consideration)

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(Applications recommended for permission, approval or consent)

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4.11	Bickley	131 - 140	(18/01386/FULL6) - 2 Baylis Place, Bickley, Bromley BR1 2GB

### SECTION 4

(Applications recommended for refusal or disapproval of details)

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6.1	Shortlands Conservation Area	141 - 142	(18/01258/TPO) - 61 Wickham Way, Beckenham BR3 2AH

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## **PLANS SUB-COMMITTEE NO. 4**

Minutes of the meeting held at 7.00 pm on 8 March 2018

### **Present:**

Councillor Simon Fawthrop (Vice-Chairman)  
Councillors Vanessa Allen, Lydia Buttinger, Nicky Dykes,  
Kate Lymer, Russell Mellor, Neil Reddin FCCA, Melanie Stevens  
and Michael Turner

### **Also Present:**

Councillors Julian Benington, Mary Cooke, Tony Owen,  
Tim Stevens and Stephen Wells

## **22 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**

Apologies for absence were received from Councillors Richard Scoates and Richard Williams; Councillors Russell Mellor and Vanessa Allen attended as their respective substitutes.

Councillor Simon Fawthrop acted as Chairman for the meeting.

## **23 DECLARATIONS OF INTEREST**

Councillors Lymer, Mellor, Reddin and Wells declared non-pecuniary interests in Item 4.11 as Members of the Beckenham Conservative Association which was situated adjacent to the application site.

## **24 CONFIRMATION OF MINUTES OF MEETING HELD ON 11 JANUARY 2018**

**RESOLVED** that the Minutes of the meeting held on 11 January 2018 be confirmed and signed as a correct record.

## **25 PLANNING APPLICATIONS**

### **SECTION 2**

(Applications meriting special consideration)

#### **25.1 CHISLEHURST CONSERVATION AREA**

**(17/01797/FULL6) – Uplands, Kemnal Road,  
Chislehurst, BR7 6LT**

Description of application – Part single, part two storey side extension, first floor infill extensions to balconies and new roof with increased ridge level, single storey front side extension partial conversion of garage to habitable space (demolition of existing conservatory and scattered outbuildings).

Members raised concerns regarding the openness of Green Belt land.

Members having considered the report, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration to seek a reconfiguration of the footprint and an overall reduction in width to enhance the open nature of the Green Belt.

**25.2  
CRAY VALLEY EAST**

**(17/03506/FULL1) - Ground Floor International House, Cray Avenue, Orpington, BR5 3RS**

Description of application – Change of use of office and storage/workshop space to enable a non-residential educational and training centre to be provided (“One to One Learning centre”).

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

Comments from Ward Member Councillor Angela Page in support of the application had been received and circulated to Members.

Members agreed that should they be minded to grant permission, conditions would be finalised under delegated authority to planning officers.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** contrary to officer recommendation. Members considered that the proposed development would make use of a commercial unit that had remained vacant despite being marketed for 12 months. In addition, the applicant agreed to a temporary permission after which the unit could return to its original use.

The following conditions would be agreed under delegated authority:-

1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.  
Reason: To comply with section 91, Town and Country Planning Act 1990.

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

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

3. The use hereby permitted shall be discontinued and the land reinstated to its former condition on or before 8 March 2023.

Reason: In order that the situation can be reconsidered in the light of the circumstances at that time in the interests of protecting the long term industrial use of the premises in accordance with Policy EMP4 of the UDP and Draft Policies 9.1, 9.2 and 9.5 of the Emerging Local Plan.

4. The premises shall be used as non-residential education and training centre only and for no other purpose (including any other purpose in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Council to reconsider the situation in the event of a change of use in the interest of the amenities of the area in accordance with Policy BE1 of the UDP.

5. The number of pupils attending the school shall not exceed 12 at any one time.

Reason: To protect the amenity of adjoining residents and to ensure highway safety and in order to comply with Policies C1 and H8 of the adopted Unitary Development Plan.

6. At any one time the age range of pupils attending the school shall be between the ages of 14-25.

Reason: To protect the amenity of adjoining residents and to ensure highway safety and in order to comply with Policies C1 and H8 of the adopted Unitary Development Plan.

7. The development hereby permitted shall not be first brought into use until a minibus service to bring staff and pupils to the site at or after 0930 hrs and collect them at 1500 hrs has been established to the

satisfaction of the Local Planning Authority which service shall be permanently maintained thereafter.  
Reason: In order to provide for the transport need of the development and comply with Policies T3 and T18 of the Unitary Development Plan.

8. Prior to the commencement of the use hereby permitted, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan should include measures to promote and encourage the use of alternative modes of transport to the car. It shall also include a timetable for the implementation of the proposed measures and detail of the mechanisms for implementation and for annual monitoring and updating. The Travel Plan shall be implemented in accordance with the agreed timescale and details.

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

9. The use hereby permitted shall be carried out only by the applicant for this application - namely, One to One Learning.

Reason: To enable the Council to reconsider the situation in the event of a change of user in the interests of protecting the long term industrial use of the premises in accordance with Policy EMP4 of the UDP and Draft Policies 9.1, 9.2 and 9.5 of the Emerging Local Plan.

Councillor Mellor's vote against permission was noted.

**25.3  
PENGE AND CATOR**

**(17/03858/FULL1) - Benwick Court, 87 Croydon Road, Penge, SE20 7SS**

Description of application – 2 dwellings with car parking at land at the rear of Benwick Court.

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

Councillor Fawthrop emphasised that the local knowledge of Committee Members was an important element to be relied upon during consideration of planning applications. In this instance, the recommendation in the report should have been to seek Members' views.



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

**25.4**  
**PETTS WOOD AND KNOLL**

**(17/05466/FULL6) - 63 Great Thrift, Petts Wood, Orpington, BR5 1NF**

Description of application – Proposed part single and two storey rear/side extension.

Oral representations from Ward Member Councillor Tony Owen in objection to the application were received at the meeting.

Concerns were raised in regard to over-development and breaches to the balancing of the street scene in an Area of Special Residential Character.

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

1. The proposed extension would constitute an overdevelopment of the site, unbalance the pair of semi-detached dwellings and would have a significant detrimental impact on the Area of Special Residential Character and rhythm of the street scene generally, contrary to Policies BE1 and H10 of the Unitary Development Plan and Policies 37 and 44 of the Emerging Local Plan.

**25.5**  
**PETTS WOOD AND KNOLL**

**(17/05720/FULL1) - 101 Queensway, Petts Wood, Orpington, BR5 1DQ**

Description of application – change of use from shop (Class A1) to a Hot Food Takeaway (Class A5) and associated works, including new shopfront, extraction and ventilation equipment and ancillary works.

Oral representations from Ward Member Councillor Tony Owen in objection to the application were received at the meeting.

Concerns were raised on the cumulative impact of Class A5 use.

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

1. The proposed use would result in an overconcentration of Class A5 uses which would have a detrimental impact on residential amenities contrary to policy BE1 of the Unitary Development Plan and Policy 7 of the Emerging Local Plan.

**25.6  
BICKLEY**

**(17/05931/FULL1) - 144 Blackbrook Lane, Bickley, Bromley, BR1 2HP.**

Description of application – Demolition of existing 3 bedroom bungalow and garage and erection of 2 detached 3 bedroom dwellings with associated car parking, associated driveways for each dwelling, creation of new crossover, refuse and recycling storage, cycle storage and front boundary treatments.

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

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

Condition

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

Reason: To prevent an overdevelopment of the site and to protect the amenity of future adjoining residents in accordance with Policy BE1 of the UDP.

Informative

4. The development hereby permitted is considered to be the maximum permissible scheme on this site;

further applications for any increase in footprint are unlikely to be viewed favourably.

### **SECTION 3**

(Applications recommended for permission, approval or consent)

#### **25.7 CHISLEHURST**

#### **(17/03127/RECON) - Queen Mary House, Manor Park Road, Chislehurst BR7 5PY**

Description of application – Variation of condition 2 of planning permission 15/05237 granted on 8.12.2016 for the demolition of existing building and erection of three storey building comprising 52 assisted living extra care apartments (37 x 2 bed and 15 x 1 bed) (C2 use) including communal facilities, parking and landscaping to amend the internal layout of the building to provide 2 additional flats (total 54) together with elevational alterations, new windows and amendment to the design of the balconies and 1 additional car parking space plus proposed tree works (Amended plans and document submitted).

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

Comments from Ward Member Councillor Katy Boughey in relation to the proposed replacement tree were reported at the meeting.

In regard to the S106 Legal Agreement, the Planning Officer reported that the healthcare contribution had been confirmed as £55,340.

Following advice from the Council's Tree Officer, the applicant had agreed to replace Tree 30 with an advanced nursery stock tree of 3-4m in height in a 750l container. As a result of this, Condition 2 would be amended.

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 the list of documents in Condition 2 amended to include the applicant's e-mail dated 26 February 2018.

A further two conditions were also added as follows:-

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

Reason: To prevent an overdevelopment of the site and to protect the amenity of future adjoining residents in accordance with Policy BE1 of the UDP.

29. A replacement Scots Pine tree of advanced nursery stock (3-4m in height with minimum 750L container grown) must be planted within 1m of T30 by the substantial completion of the development. Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted. It is recommended that the tree be planted between the months of October and March.

Reason: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of the visual amenities of the area.

**25.8  
SHORTLANDS**

**(17/04769/LAORD) - Shortlands Railway Station,  
Shortlands Road, Bromley, BR2 0JA**

Description of application – Installation of two lift shafts and alterations to existing canopies (prior approval of design and siting of the proposed works submitted by Network Rail under Class A of Part 18 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

Oral representations in support of the application were received. Oral representations from Ward Member Councillor Mary Cooke in support of the application were received at the meeting.

Members having considered the report and representations, **RESOLVED that the design and siting of the proposed works BE APPROVED** as recommended, subject to the condition set out in the report of the Chief Planner.

**25.9  
PENGE AND CATOR**

**(17/05099/FULL6) - 2 Wordsworth Road Penge  
London SE20 7JG**

Description of application – Loft alterations to form habitable accommodation, incorporating dormer to south east and north west roof slopes together with installation of windows to existing gable.

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 set out in the report of the Chief Planner.

**25.10  
BIGGIN HILL**

**(17/05343/FULL1) - Biggin Hill Airport Ltd,  
Churchill Way, Biggin Hill, TN16 3BN**

Description of application – Hotel with 56 bedrooms, a restaurant (and associated kitchen/servicing areas) lounge, gymnasium and associated access road together with service area and car parking and a sub-station.

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

The Planning Officer reported amendments to the proposed conditions.

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 the addition of a further condition and informative to read:-

Condition

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the

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

Reason: To prevent an overdevelopment of the site and to protect the amenity of future adjoining residents and the character and amenity of the area in accordance with Policy BE1 of the Unitary Development Plan.

Informative

1. Please be aware that the development hereby permitted must remain landside of the airport and available for use by the general public.

**25.11  
COPERS COPE  
CONSERVATION AREA**

**(17/05453/ADV) - 44 High Street Beckenham,  
BR3 1AJ**

Description of application – The display of 4 non-illuminated advertisements in relation to the supermarket carpark.

Oral representations from Ward Member Councillor Stephen Wells in objection to 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 in the size of the signs and to relocate the more prominently position signs.

**25.12  
COPERS COPE  
CONSERVATION AREA**

**(17/05456/FULL1) - 44 High Street Beckenham,  
Beckenham BR3 1AY**

Description of application – The installation of 2 four metre high columns for an Automatic Number Plate Recognition (ANPR).

Oral representations from Ward Member Councillor Stephen Wells in objection to 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 relocation of one of the cameras onto the main building rather than on a 4m high pole.

**25.13  
KELSEY AND EDEN PARK**

**(17/05600/FULL6) - 118 Kenwood Drive,  
Beckenham, BR3 6RB**

Description of application – First storey side extension to left hand flank above existing garage.

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

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.

**25.14  
HAYES AND CONEY HALL  
CONSERVATION AREA**

**(17/05668/FULL1) - 52 Baston Road, Hayes,  
Bromley, BR2 7BE**

Description of application – Demolition of existing bungalow and erection of 2 two storey detached three bedroom dwellings with associated car parking and landscaping.

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

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

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

Reason: To prevent an overdevelopment of the site and to protect the amenity of future adjoining residents in accordance with Policy BE1 of the Unitary Development Plan.

**25.15  
KELSEY AND EDEN PARK**

**(18/00026/FULL6) - 71 Bramerton Road,  
Beckenham, BR3 3NY**

Description of application – Two storey side extension and garage conversion.

Members were concerned that the proposed 0.9m side space did not meet the usual 1m requirement and were advised that the applicant did not wish to amend the application in this regard.

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

1. The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of 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 Policy H9 of the Unitary Development Plan and Draft Policy 8 of the Emerging Local Plan.

**25.16  
BICKLEY**

**(18/00038/FULL6) - 1 Page Heath Lane, Bickley,  
Bromley, BR1 2DR**

Description of application – Single storey front extension and first floor side extension.

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.

The meeting ended at 8.30 pm

Chairman



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

**Application No :** 17/04710/ELUD

**Ward:**  
**Chislehurst**

**Address :** August House, Camden Way,  
Chislehurst BR7 5HT

**OS Grid Ref:** E: 542884 N: 170204

**Applicant :** Ms Merle Joseph

**Objections :** YES

### **Description of Development:**

Detached single storey outbuilding for use as a swimming pool, gym, deck, changing rooms and coffee room incidental to the use of the main dwelling  
LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)

#### Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 16

### **Proposal**

A Lawful Development Certificate is sought for an existing development at the site. The development comprises a detached building at the rear of the main house. The building houses a swimming pool and deck, external terrace, changing room, plant room, coffee room and sauna/plant room at basement level.

The building has a length of 22.8m and a width of 7.2m. The building has a flat roof with a height of 2.5m.

### **Location and Key Constraints**

The site comprises a large detached residential dwelling sited within an area characterised by similar properties with large plots and rear gardens. The site falls within the Chislehurst Conservation Area.

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

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

## Objections:

- Excessive scale and size
- Location close to boundary of site creates an impact on the amenities of neighbouring houses including overshadowing and loss of privacy
- Noise, disturbance and light pollution
- Harmful visual impact and harm to the character of the Conservation Area
- Mature trees have been removed to the detriment of local character
- Plans inaccurately show the building and do not account for the slope of the land.

The Residents' Association has raised objections on behalf of the residents of Hatton Court on similar grounds.

## Comments from Consultees

Legal: The building is considered to be incidental to the main house and the submitted information is supportive of this.

## Policy Context

The application requires the Council to consider whether the proposal falls within the parameters of permitted development under Classes A, D and E of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and specifically whether any limitations/conditions of the Order are infringed.

## Considerations

Class E allows for the provision of outbuildings provided the use is incidental to the enjoyment of the main dwellinghouse. In this instance the outbuildings would fall under the scope of Class E and are considered to be permitted development for the following reasons:

The proposed outbuilding is considered to be permitted development for the following reasons:

- The use of the building is for purposes incidental to the enjoyment of the dwellinghouse. Clear floor plans have been provided that accurately describe the incidental use. A written description of the need for the development has also been provided.
- The outbuilding does not cover an area in excess of 50% of the total area of curtilage (excluding the ground area of the original dwellinghouse).
- The outbuilding is not sited on land forward of a wall forming the principal elevation of the original dwellinghouse.
- The building is single storey.
- The height does not exceed 2.5m as the building is sited within 2m of a boundary of the site.
- The eaves height does not exceed 2.5m.
- The building is not in the curtilage of a listed building.

- No balconies or raised platforms are proposed.
- the site falls within article 2(3) land and no part of the building is situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

### **Conclusion**

On the basis of the information before the Council and subject to the development being used as set out in the application and complying with the relevant Conditions as contained in the Order it may be considered that the development falls within the relevant criteria of the Order.

### **RECOMMENDATION: CERTIFICATE BE GRANTED**

- 1 The proposal as submitted would constitute permitted development by virtue of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.**

**You are further informed that :**

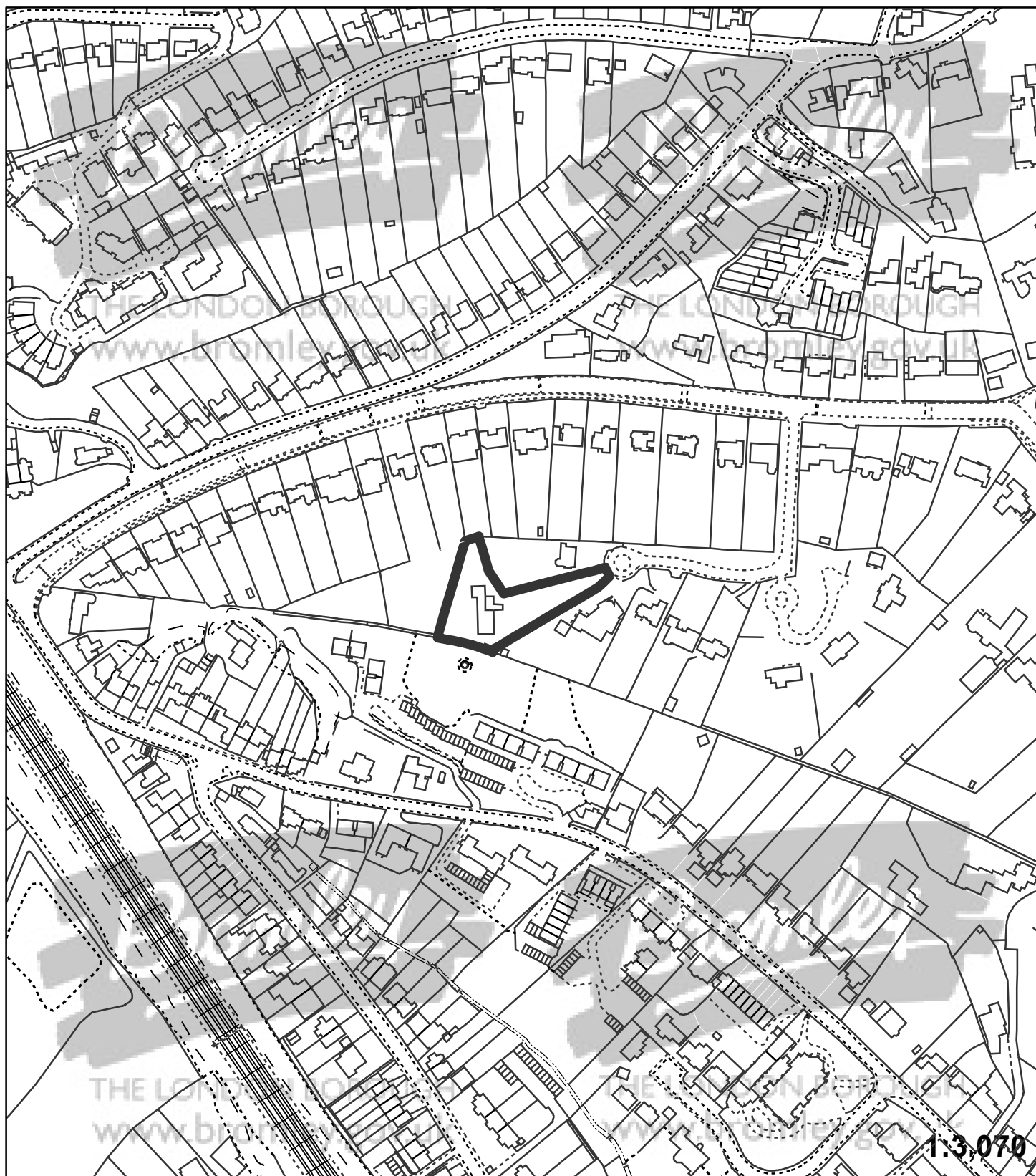
- 1 The applicant is advised that the use of the outbuilding for purposes other than those hereby described and certified may require planning permission.**

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**Application:**17/04710/ELUD

**Address:** August House Camden Way Chislehurst BR7 5HT

**Proposal:** Detached single storey outbuilding for use as a swimming pool, gym, deck, changing rooms and coffee room incidental to the use of the main dwelling **LAWFUL DEVELOPMENT CERTIFICATE (EXISTING)**



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

**Application No :** 18/00346/FULL1

**Ward:**  
**Bromley Common and  
Keston**

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

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

**Applicant :** Northstar 2000 Ltd

**Objections : YES**

### **Description of Development:**

Demolition of 128-130 Jackson Road and outbuildings and redevelopment of the site with 3no. 3-Bedroom, 2-Storey detached dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 22

### **Background**

The current revised scheme is a new scheme that follows planning application 17/04892/FULL1 for a 2 storey terrace of four 3 bedroom dwellinghouses which was reported to Planning Committee on 21st December 2017. Members resolved to defer the application without prejudice to seek the submission of revised plans for the erection of three small detached cottage style dwellings with pitched roofs.

Subsequently, the applicant exercised their right of appeal against the Council's non-determination of the application and on 22nd February 2018 Members resolved to contest the appeal.

The current application has been submitted as a separate submission for the erection of three small detached cottage style dwellings with pitched roofs while application 17/04892/FULL1 awaits determination by the Planning Inspectorate at the time of writing.

### **Proposal**

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

The proposed dwellings would be accessed via the existing driveway and would be set back from the street frontage situated on a similar footprint and alignment as to the existing buildings. The dwellings would form three separate 3 bedroom houses to the east and main body of the plot.

The north flank elevation of the northern detached dwelling is located 3.31m increasing to 3.93m from the site boundary. To the southern boundary the south flank elevation of the southern detached house is located 2.25m from the boundary increasing to 2.6m at the closest rear flank wall section. A greater separation is indicated to the south front flank wall section of approximately 5.8m. Spatial gaps of 1.975m are indicated between the detached dwellings.

The dwellings are arranged as identical buildings with integrated bay windows and porches. Internal layout plans indicate the houses are three bedroom dwellings. The rear garden curtilage will vary between approximately 6m to 8m depth between detached properties divided into private areas.

Parking arrangements are provided in front of the properties and within the driveway to the northern boundary of the site with a total provision of 7 vehicle spaces accessed from Jackson Road. A collective external refuse store is located within the front curtilage driveway and cycles spaces are also provided collectively for the development.

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

The application was supported by the following documents:

- Design and Access Addendum Statement
- Planning and Heritage Statement
- Sustainability Design and Construction statement
- Part M4(2) Statement

### **Location and Key Constraints**

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

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

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



## Objections

- Concerns regarding highway access and pedestrian/vehicle safety.
- Concerns regarding extra traffic and increased parking congestion in Jackson Road.
- Overbearing impact and close proximity to boundaries.
- Concerns regarding direct overlooking and loss of privacy to neighbouring property.
- Change to the character of the road.
- Concerns regarding the loss of the existing cottages.
- Impact of noise and pollution from proximity of parking spaces to neighbouring property.
- Concerns with regard to increased risk of flooding.
- The area is already over populated.
- Concerns regarding the loss of an historic building.
- Overbearing Visual Impact and Character.
- Increased number of windows facing adjoining property will increase level of overlooking detrimentally to that which currently takes place.
- Comments relating to surrounding buildings not being indicated on the plans correctly.

### Officer response:

An Officer site visit has also observed all extensions and additions to surrounding properties and their relationship to the proposed scheme.

### **Comments from Consultees**

Environmental Health Pollution Officer:

No objections to permission being granted.

Drainage Engineer:

There is no information regarding drainage or surface water design. It is request to carry out a surface water strategy to include the following:

- To demonstrate that opportunities to implement sustainable drainage techniques at the site have been maximised.
- Surface water from the site should reflect greenfield run-off rate for the whole area of the site, typically 2 to 8l/s/ha.
- The surface water attenuation system must be able to accommodate any storm event up to the critical duration 1 in 100 year plus climate change storm event for the site without the flow balancing system being bypassed.

Highways:

The proposed development is within a very poor PTAL rate of 1b (on a scale of 1 - 6, where 6 is the most accessible). Drawing No 5700-PD-01 Rev C has been

reviewed and I am satisfied with the provision of 2 x car parking spaces per dwelling and 1 for the visitor, the access layout and turning area. Refuse storage is now indicated on the above mentioned plan and is within 18m from the highway boundary.

I am not satisfied with the location of the cycle storage as it is not close to the entrance of the first two properties. However, if there is insufficient space for this then an appropriate solution would be a 'Bread-Bin style' Bikehangar or gated and lockable store in the rear garden (depending on ease of access). The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 2 cycle spaces per unit. Policy 6.9 (B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities.

Tree Officer:

The application site is free from tree protection legislation. A Tree Protection Plan (TPP) has been supplied in support of the proposals. I am satisfied that trees proposed to be removed are not significant to pose a constraint. Landscaping detail has been preloaded and appears acceptable. I would recommend planning permission be granted with compliance conditions.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration.

The weight attached to the draft policies increases as the Local Plan process advances.

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

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

### London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of affordable housing
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity.
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.14 Improving Air Quality
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.16 Green Belt
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

## Unitary Development Plan

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

## Draft Local Plan

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

## Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

## **Planning History**

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

No.128

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

No.130

86/01399/FUL: Detached garage. Approved 25.06.1986

No 128 and 130:

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

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

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

17/04892/FULL1: Demolition of 128-130 Jackson Road and outbuildings and redevelopment with a 2 storey terrace of four 3 bedroom dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments. The application is under Appeal for non-determination at the time of writing as detailed in the background section above.

## **Considerations**

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

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- The quality of living conditions for future occupiers

- Access, highways and traffic Issues
- Impact on adjoining properties
- Sustainability and energy
- Trees

## Principle

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

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

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

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

The NPPF at paragraph 135 details that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

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

movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

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

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

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

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

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

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

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

Therefore, the provision of a replacement development of residential houses on the land appears acceptable in principle subject to the further assessment of the impact of the proposal on the appearance/character of the surrounding area, the

residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements which are assessed below in greater detail.

### Density

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

The site has a PTAL rating of 1b and is within a suburban setting. In accordance with Table 3.2, the recommended density range for the site would be 40-65 dwellings per hectare. The proposed development would have a density of 31.5 dwellings per hectare.

Therefore, the proposed development of the site would be below the suggested range and maybe considered a suitable level of development for the site. However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development and Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity which are assessed below.

### Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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



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

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

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

The Design and Access Statement briefly explains the rationale that has led to the current revised proposed design. It details that the scheme proposes to redevelop the site for a more efficient usage comprising the demolition of the existing property and outbuildings and construction of 3no. 3-bed detached dwellings. It states amendments have been made based on the Councillors and committee members comments on the previous scheme, which proposed 4no. 3-bed terrace dwellings on the site. This scheme was deferred to seek the submission of revised plans for the erection of 3 small detached cottage style dwellings with pitched roofs.

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

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

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

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

In this case the siting of the three detached dwellings at sufficient distances from the flank boundary with good level of separation between the dwellings has greatly improved the spatial standards and relationships of the dwellings from previous schemes to be within the context of the pattern of development within the immediate locality.

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

#### Standard of residential accommodation

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

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

A Part M compliance statement has been submitted that details compliance with this criteria.

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

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

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

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

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

### *Car parking*

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

### *Cycle parking*

Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of a location for cycle storage within the open front garden area. A planning condition is recommended in this regard for further details to ensure the storage is secure and lockable as necessary.

## *Refuse*

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

## Neighbouring amenity

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

In terms of outlook, the fenestration arrangement will provide front and rear outlook for each unit overlooking amenity space or overlooking the street and the vehicle access way primarily. Non habitable northern flank windows to ground and first floor bathrooms are proposed in all units.

Concerns have been raised regarding detached houses directly overlooking properties at No's 124 and No126 to the west and south of the site causing loss of privacy and blocking natural light to neighbouring property and also that the northern positioned dwelling will overlook the large triangular side curtilage to No134 beyond the access way.

The massing relationship of the proposed detached houses to No's 124, 126 and No134 has been assessed. A distance of approximately 21m is now provided to the rearmost point of the rear extension at No126 and approximately 23m to the main rear elevation. No 124 has a flank elevation facing to the site. In relation to No134 a distance of over 25m is achieved at an oblique angle to the site. While it is acknowledged that there will be a perception of greater overlooking the distances between the proposed and existing properties is considered to maintain a suitably level of privacy and as such is considered to maintain an acceptable level of residential amenity to neighbouring property. The distance to properties in Hathaway Close is also considered similarly.

In terms of noise and disturbance concerns have been raised by neighbours that there would be excessive noise and disturbance. Neighbours principally fear those effects that would be generated by the proposed two parking spaces shown to the access way, the two spaces shown to the southern boundary and the increased use of the access way by vehicles generally.

On balance the noise and disturbance generated by seven parking spaces is considered as insufficient to result in significant material harm to neighbours in terms of vehicle movements to produce a harmful impact. Therefore, any increase in noise and disturbance that would result from the proposed development would not represent the substantial, additional material harm that might justify refusal of the application on this basis specifically.

## Sustainability

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

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime.

Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

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

## Trees

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

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

The Council's Arboricultural Officer has reviewed the scheme and not raised any objections in this respect subject to compliance conditions.

## CIL

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

## **Conclusion**

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

and would achieve good levels of energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 18/00346/FULL1 and any other applications on the site set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

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

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

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

**Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.**

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

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

- 4 The landscaping scheme as shown on the submitted drawings shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species to those originally planted. Furthermore any boundary treatments shall be retained in perpetuity.**

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

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

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

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

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

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

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

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

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

- 9** The development permitted by this planning permission shall not commence until a surface water drainage scheme, details of general drainage works for the site and prevention of the discharge of surface water from private land on to the highway based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development has been submitted to, and approved by, the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water

run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

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

- 10 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 11 The development shall be implemented in accordance with the Tree Protection Plan (JR/TPP/1309-02-C) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

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

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

- 13 No additional windows shall at any time be inserted in the flank elevations of all of the detached houses hereby permitted without the prior approval in writing of the Local Planning Authority.

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

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



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

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

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

- 16 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.**

**Reason: In the interests of pedestrian and vehicle safety and the amenities of the area and to comply with Policies BE1, T13 and T18.**

**You are further informed that:**

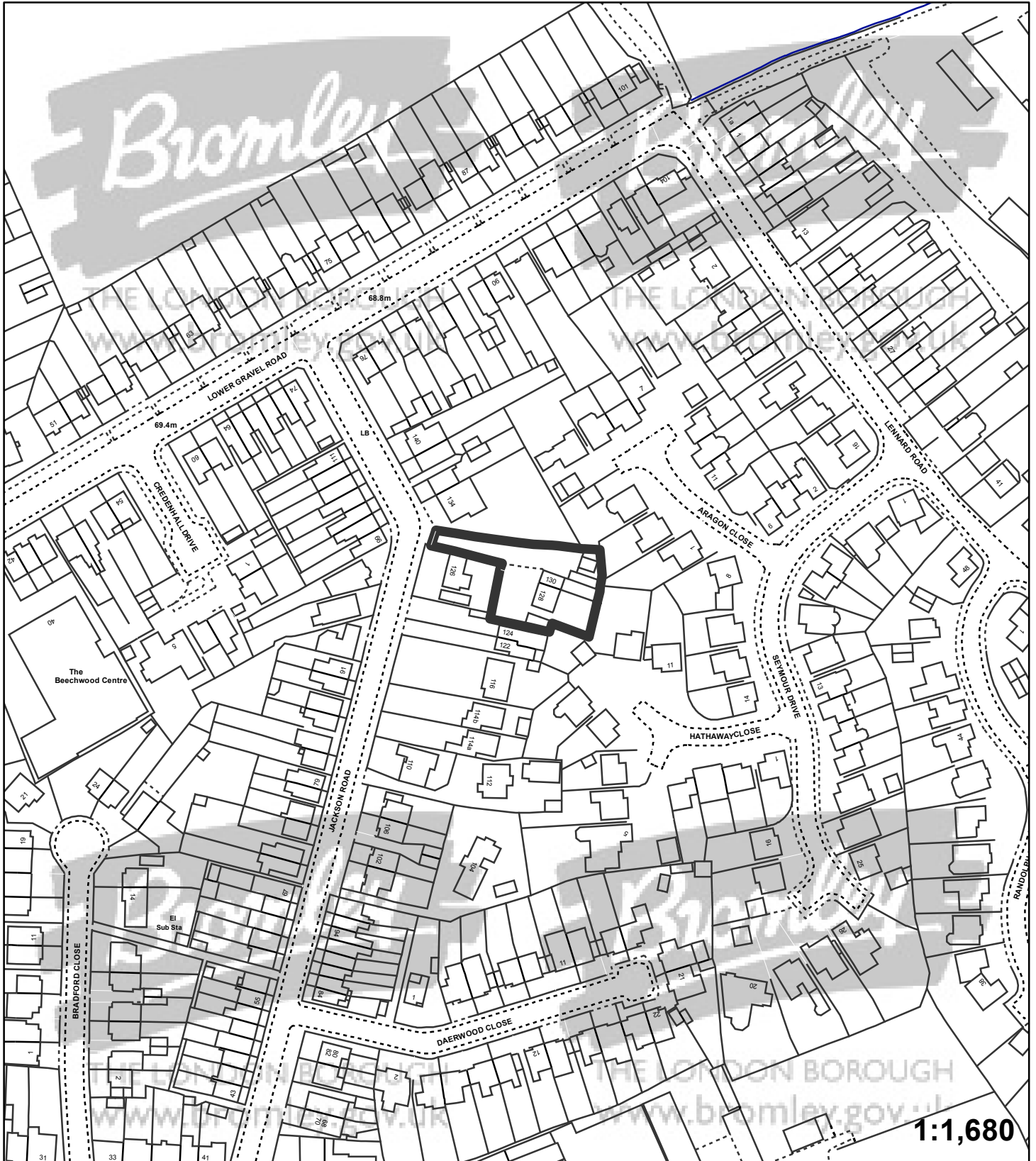
- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.**
- 2 You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)**
- 3 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**

- 4** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 5** Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 6** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.
- 7** If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.
- 8** Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.
- 9** The applicant is advised that the development shall strive to achieve the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy of Policy 5.2 of the London Plan.

**Application:**18/00346/FULL1

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

**Proposal:** Demolition of 128-130 Jackson Road and outbuildings and redevelopment of the site with 3no. 3-Bedroom, 2-Storey detached dwellinghouses with associated landscaping, parking, cycle and refuse stores and boundary treatments.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

**Application No :** 18/00460/FULL1

**Ward:**  
**Bickley**

**Address :** Orchard End, 14 Pines Road, Bickley,  
Bromley BR1 2AA

**OS Grid Ref:** E: 542213 N: 169240

**Applicant :** Mr Neil Cooper

**Objections :** YES

### **Description of Development:**

Demolition of existing dwelling and erection of 2x two storey detached house and erection of detached double garage on land at Orchard End, 14 Pines Road and within part of the garden curtilage at 3 Woodlands Road.

#### Key designations:

Conservation Area: Bickley Park  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 10

### **Proposal**

The application involves the development of the adjoining sites at Orchard End (No 14) Pines Road and part of the garden area at No 3 Woodlands Road (Orchard Cottage). The proposal involves the demolition of the existing house at Orchard End, and the erection of two detached two storey houses. Both houses would incorporate a predominantly brick finish and substantial pitched roofs, whilst the front part of both houses would incorporate a large entrance hall and associated vaulted first floor above which would be marked by large windows encompassing ground and first floor levels.

At their maximum extents, both houses would measure approximately 12m(w) x 16m (d), whilst they would incorporate eaves heights of 5m and ridge heights of 8m. The houses would incorporate an L-shaped 'handed' footprint. As viewed from Woodlands Road, the proposed western property would be set between approximately 12.0 and 16.6m from the site frontage, whilst the right-hand property would 16.1m and 17.0m from the site frontage. A separation of approximately 7.0m would be maintained between the western property and Pines Road, whilst both houses would maintain a 6m gap to one another. A minimum separation of 7.8m would be maintained between the right-hand houses and the existing dwelling at Orchard Cottage. Vehicular access to the western dwelling would be from Pines Road, and a detached garage would be erected at the rear of the plot. The right-hand dwelling would benefit from vehicular access from Woodlands Road, whilst the house itself would include an integral garage.

The planning application is accompanied by a Planning Statement and an Arboricultural Report.

### **Location and Key Constraints**

The site (encompassing both Orchard End and Orchard Cottage) is situated at the north-eastern corner of the junction of Pines Road and Woodlands Road. It falls within the Bickley Park Conservation Area.

The majority of properties in the Conservation Area are in Woodlands Road, Pines Road, St George's Road and Denbridge Road, with a small part of the CA fronting Chislehurst Road.

Properties along Pines Road and Woodlands Road comprise a mix of architectural types; however the majority are large detached properties located within substantial plot sizes, with some examples of sub-division of larger dwellings. The architectural treatment of a number of the houses has been inspired by the Arts and Crafts movement. The streetscene is also characterised by mature trees, along curving roads, which convey a somewhat rural impression. Both Orchard End and Orchard Cottage are surrounded by a dense tree and shrub cover which largely obscures the existing dwellings from public view.

The Supplementary Planning Guidance for the Bickley Park Conservation Area provides the following description of the Conservation Area:

*“Bickley Park Conservation Area is typified by large elegant houses set individually amid mature trees on spacious plots along curving roads, which convey a somewhat rural impression. The Area represents a remarkably homogeneous pocket of development from the early years of the twentieth century, illustrating the layout, setting and architecture popular amongst those inclined - and able to afford - to retreat to a sylvan Arcadia beyond the metropolis.”*

### **Comments from Local Residents**

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

#### **Objections**

- proposal will lead to three cramped properties with narrow frontages all facing Woodlands Road
- neighbouring properties cited by applicant are not comparable
- Orchard Cottage will be effectively left with no outside space with its setting undermined
- neighbouring properties at Spignalls and Lakedale, Woodlands Road will be overlooked
- loss of vistas of trees and other greenery which contribute to the attractiveness of Bickley Park

- sylvan character of the area will be lost, including 42% of total tree stock according to the Arboricultural Report
- no pedestrian to Woodlands Road from the westernmost property should be incorporated
- cramped form of development
- proposal destroys one of the best gardens in the area
- proximity to Orchard Cottage destroys the charm of that neighbouring building
- proposal will not enhance this corner of the estate which is its main point of entry
- loss of existing rural vista as the Bickley Park Conservation Area is approached
- reduction in scale from previous proposal is marginal and does not outweigh the harm this infill development will have on the immediate more spacious and well landscaped setting of the area; previous objection raised in respect of 2017 application still apply
- any damage to the private Woodlands Road should be made good

#### Support

- proposal will enhance this part of the Bickley Park Estate
- there will be no loss of privacy
- proposed dwelling should benefit from private garden area
- no harm to Orchard Cottage
- plot in question is very dated and is not an attractive part of the road
- northern side of Pines Road looks neglected and dark
- proposal will enhance both amenity and visual appearance of the area
- proposal will help enhance into Bickley Park better
- open nature of the proposal is attractive
- proposed houses will be in keeping with neighbouring properties
- development will not be incongruous to the local road and the estate

#### Comments from Consultees

APCA:

Overdevelopment of site, poor design would impact adversely on the Conservation Area

Conservation Officer:

The proposed site conjoins the existing plots associated to 14 Pines Road and 3 Woodlands Road. This location is an important gateway entrance into the conservation area. In application 17/01319/FULL1 we identified the location as having a verdant appearance which creates a sense of spaciousness in this part of the CA. I feel the proposal would be an overly intensive use of the site and radically alter the character of the location in a way that would be harmful to the character and appearance of the CA.

The proposal is therefore contrary to BE11. As per para 134 of the NPPF, I would see no public benefit that would outweigh the harm caused.

Environmental Health Pollution Officer:

It is recommended that the following informatives are attached:

*Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.*

*If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.*

Drainage Engineer:

There is no public surface water sewer near the site, so the applicant is required to make his own arrangement as how to dispose of surface water run-off.

Highways:

There are no objections to this proposal from the highway point of view. This is subject to conditions.

Trees:

The application site is located within a conservation area applying broad protection to trees. An arboricultural report has been submitted in support of the application and identifies a number of low value trees to be removed. The trees are commonly planted garden species and should not present a constraint to the development. The report proposes tree protection measures and is in accordance with British Standard 5837 guidance. The boundary trees are the most significant features of the site and contribute positively to the local street scene along Woodlands Road and Pines Road. The protection measures have addressed the impact on these trees and include satisfactory precautionary measures. Future pruning can be managed under the conservation area notification process.

New landscaping will be of limited opportunity, but due to the nature of the development, details of landscaping should be requested under condition. No objection, subject to conditions.

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:–



- a) the provisions of the development plan, so far as material to the application,
- b) any local finance considerations, so far as material to the application, and
- c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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

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

#### London Plan Policies

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

#### Unitary Development Plan

H9 Side space

T3 Parking

T18 Road safety

BE1 Design of new development

BE11 Conservation areas

BE14 Trees in conservation areas

#### Draft Local Plan

8 Side Space

30 Parking

37 General Design of Development

41 Conservation Areas

43 Trees in Conservation Areas

73 Development and Trees

## Supplementary Planning Guidance

SPG1 – General Design Principles

SPG2 – Residential Design Guidance

Supplementary Planning Guidance for the Bickley Park Conservation Area

### **Planning History**

#### Orchard End

Under planning application reference 85/02067, planning permission was granted for a two storey rear extension.

Under reference 06/01699, planning permission was granted for a replacement five bedroom chalet dwelling with a roof dormer and an integral double garage.

Under reference 06/01700, Conservation Area Consent was granted for the demolition of the existing dwelling.

Under reference 08/01877, planning permission was granted for the erection of a replacement five bedroom chalet dwelling with roof dormer and integral double garage and basement.

Under reference 10/01504, planning permission was granted for a replacement five bedroom replacement dwelling including roof dormers, integral double garage and basement accommodation (Revisions to planning permission ref 08/01877 to incorporate alterations to roof and dormer design and siting together with fenestration and elevational alterations)

Under reference 16/01641, planning permission was granted for the demolition of the existing dwelling and the erection of a detached five-bedroom chalet dwelling with roof dormers, integral double garage and associated landscaping.

Under reference 17/01319, planning permission was refused for the demolition of the existing dwelling and the erection of a two storey detached house with accommodation in the roofspace and erection of detached double garage. Planning permission was refused on the following grounds:

*“1. The proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which will impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.*

*2. The proposal is considered to harm the character and appearance of this part of the Bickley Park Conservation Area. The gateway plot is considered of merit in terms of its sense of openness and soft landscaping surrounding the site making a positive contribution to the character of the area. The proposal would therefore be contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.”*

None of the above approved proposals has been implemented and the original dwelling remains in place.

### Orchard Cottage

Under reference 17/01317, planning permission was granted for a single storey side extension and elevational alterations to the existing dwelling.

Under reference 17/01318, planning permission was refused for the erection of a two storey detached dwelling with accommodation in the roofspace within the garden area to the west of the site. Planning permission was refused on the following grounds:

*“1. The proposal is considered to harm the character and appearance of this part of the Bickley Park Conservation Area. The gateway plot is considered of merit in terms of its sense of openness and soft landscaping surrounding the site making a positive contribution to the character of the area; the sub-division of the plot would therefore be contrary to Policies BE11, BE1 and H7 of the Unitary Development Plan, The Bickley Park Conservation Supplementary Planning Guidance and London Plan Policies 7.4, 7.6 and 7.8 and paragraph 134 of the NPPF.*

*2. The proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which will impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.*

*3. The proposed development, by reason of its siting and layout would give rise to an unacceptable loss of outlook to the occupiers of surrounding properties, whilst leading to a significant lack of privacy by way of overlooking to future occupants of the proposed dwelling, contrary to Policy BE1 Unitary Development Plan (2006) and and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.”*

### **Considerations**

The main issues relating to the application are the effect that it would have on the character and appearance of the Bickley Park Conservation Area; whether the

proposal would serve to preserve or enhance the CA; and the impact that it would have on the amenities of the occupants of surrounding residential properties. Further considerations relate to the standard of residential accommodation. From a highways perspective, there are no objections to the proposal.

### Resubmission

This application follows the refusal of earlier applications, references 17/01318 and 17/01319 which involved the erection of two detached houses within the current application site (with the existing dwelling Orchard Cottage retained).

In comparison to the scheme refused under those references, there has been a 10% reduction in the overall size and scale of the proposed two detached houses, with the overall ridge height reduced from approximately 8.5m to 8.0m and the second floor accommodation removed. The degree of separation between the two houses has been increased from approximately 4.2m to 6.0m. The design of the western house has been altered with a round turret feature along its SW corner removed.

### Principle

Turning initially to the replacement of the existing dwelling at Orchard End, no objection is raised in principle to its removal. The demolition of the existing dwelling has already been the subject of a number of previous applications, as referenced above. However, for the purposes of this application, the main considerations relate to the scale and massing of the proposed replacement unit within the Orchard End plot, and whether indeed the provision of two substantial detached houses within the wider application site is acceptable in principle.

### Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

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

Policy BE11 states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development within a conservation area will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

The application site is made up by two existing plots sited on the corner of Woodlands Road and Pines Road. The character of this area, set within Bickley Park Conservation is characterised by more spacious plots containing detached houses of varied designs, sited within well landscaped settings. These landscaped settings create a sense of general openness.

The significance of the application site is derived from its prominent corner at the junction of Woodlands Road and Pines Road. It forms something of a “gateway plot” into Woodlands Road and the wider Bickley Park Conservation Area. As a result of the low roof profile of the existing dwelling at Orchard End, the site is dominated by its verdant frontage made up of a variety of trees and bushes.

Given the more forward position of the proposed western dwelling in relation to the existing bungalow at Orchard End it is considered that the proposed building would serve to dominate the plot and impinge upon the existing open aspect. Whilst the existing house is not considered to be of particular merit, the open aspect of the site is considered to contribute positively to the character and appearance of the Conservation Area, and this should be preserved. Accordingly, whilst no concerns are raised in relation to the demolition of the existing dwelling, it is considered that any replacement house should maintain a more modest scale and height and a relatively discreet appearance akin to the existing property, and that a wide separation should be maintained to Woodlands Road.

Given the more southern siting of the replacement dwelling at Orchard End and its overall proportions, it is considered that those existing positive characteristics would be undermined. The proposal, by reason of its scale and massing, would constitute a cramped and over-dominant form of development, which would impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene.

In relation to the proposed eastern dwelling, this would occupy what presently forms part of the garden area for Orchard Cottage. Whilst, a greater standard of separation would be introduced with the houses either side – as compared to the scheme refused under application reference 17/017/01318, it is considered that this would further diminish the spatial standards associated with the area in view of

the consequent narrower plot size and more cramped building configuration. It would result in a closing of the landscaping gap that presently exists between Orchard End and Orchard Cottage. The building itself would be bulky in form and appearance and dominate the setting of Orchard Cottage which forms one of the more historic buildings in the vicinity. Whilst the retention of Orchard Cottage is in itself considered positive – this having first appeared in the 1896 Ordnance Survey, and appears to have served as a coach house to a larger house called The Pines – this is not considered to justify the scale and extent of the development proposed.

The development of the new house would leave Orchard Cottage with a substantially smaller garden area with the front area to be used for access and parking. The loss of the side garden would result in Orchard Cottage having a plot size that is not in keeping with the immediate area; and with few opportunities for landscaping. On the contrary, many of the existing landscaping features would be lost.

Taking the above into account, the proposed buildings would not reflect the proportions, compositions and scales that define the public realm and the Conservation Area. As such, the proposal would not have regard to the form, function, and structure of the surrounding area and would not provide a positive relationship between the proposed and existing urban context, contrary to Policy BE11 of the UDP and Paragraph 134 of the NPPF (2012). There are not considered to be any public benefits associated with the proposal which outweigh the harm to the Conservation Area identified above. It is not considered that examples of development referred to by the applicant justify this scheme or are particularly comparable.

Those examples were for developments on wider plots and the resulting development was neither cramped or resulting in narrow depth and width plots that would appear out of character with the prevailing pattern of residential development in this part of the Conservation Area. The proposed development would lead to the affected houses having substandard gardens that would be uncharacteristic in such a looser development setting and the removal of significant landscaping features with no opportunities to replace elsewhere on the site, only amplifies the harm.

#### Neighbouring amenity

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

Taking account of the siting and orientations of the proposed houses, their separation to neighbouring properties and the overall site characteristics, it is not considered that neighbouring amenity would be adversely affected by way of loss of light, overlooking, loss of privacy or visual impact.

### Standard of residential accommodation

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

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

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

Taking account of the above criteria, it is considered that the proposal adheres to adopted housing standards.

### Sustainability

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

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

### CIL

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

## **Conclusion**

It is considered that the proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which would impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area. Furthermore, the proposal would undermine the verdant and bucolic character of the site which forms a prominent gateway plot within the Bickley Park Conservation Area and makes a positive contribution to the character and appearance of the wider Conservation Area.

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

## **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

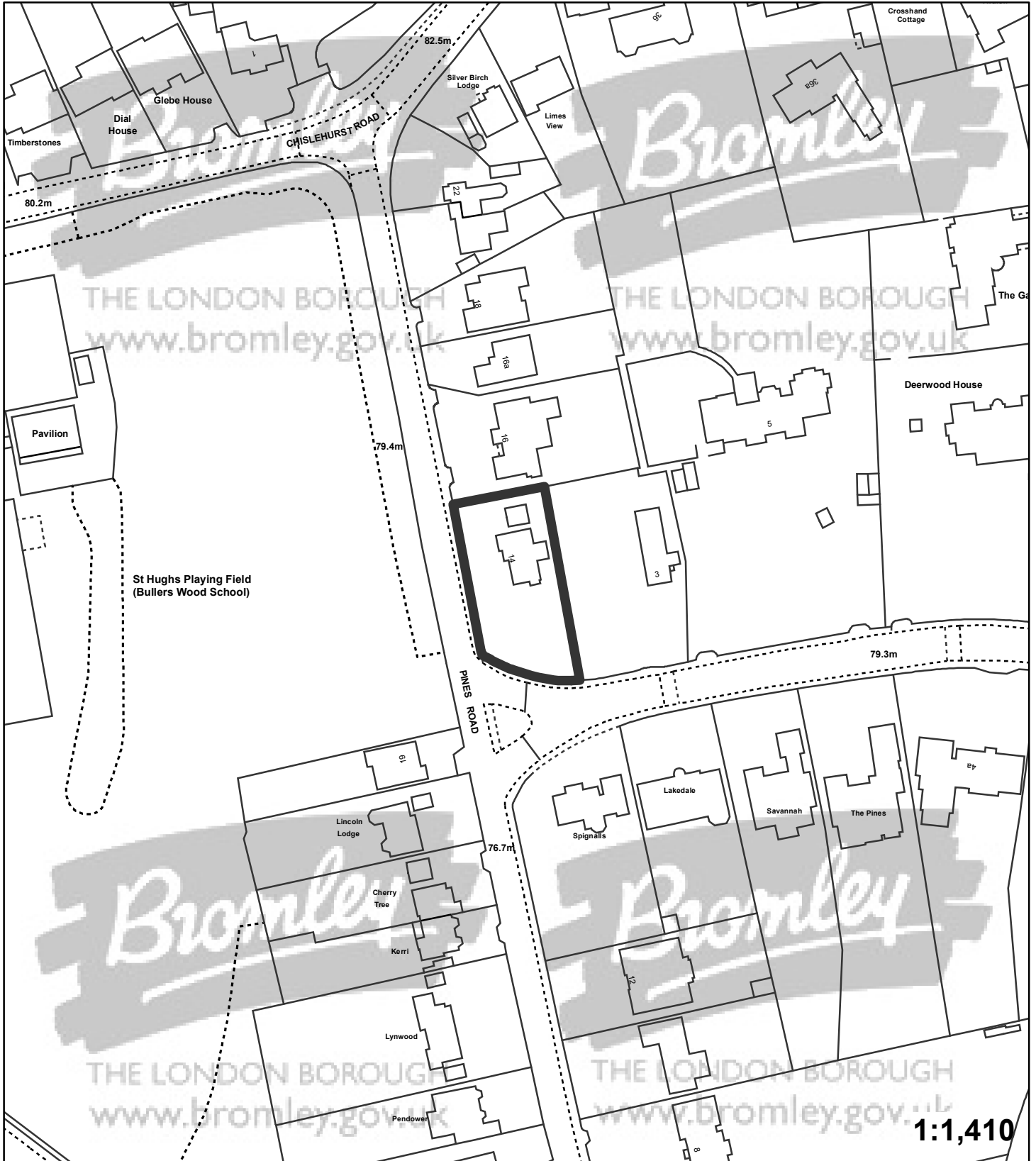
- 1. The proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which will impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.**
- 2. The proposal would undermine the verdant and bucolic character of the site which forms a prominent gateway plot within the Bickley Park Conservation Area and makes a positive contribution to the character and appearance of the wider Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.**



**Application:**18/00460/FULL1

**Address:** Orchard End 14 Pines Road Bickley Bromley BR1 2AA

**Proposal:** Demolition of existing dwelling and erection of 2x two storey detached house and erection of detached double garage on land at Orchard End, 14 Pines Road and within part of the garden curtilage at 3 Woodlands Road.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

**Application No :** 18/00887/FULL1

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

**Address :** Log Cabin, Orchard Cottage,  
Westerham Road, Keston BR2 6HB

**OS Grid Ref:** E: 542133 N: 164330

**Applicant :** Mr & Mrs D Griffiths

**Objections : YES**

### **Description of Development:**

Demolition of existing dwelling and garage and erection of new single storey contemporary dwellinghouse of 3 bedroom design with associated parking, access and landscaping

Key designations:

Areas of Archeological Significance  
Biggin Hill Safeguarding Area  
Green Belt  
London City Airport Safeguarding  
Sites of Interest for Nat. Conservation  
Smoke Control SCA 14

### **Proposal**

Permission is sought for the demolition of the existing garage and single storey dwelling, known as the Log Cabin, and the erection of a replacement single storey dwelling.

The proposed dwelling will be 11m wide and 15.6m deep, with a footprint of 172.1m<sup>2</sup>. The proposal will incorporate a flat sedum roof. A new access road and two parking spaces are provided to the front of the proposed property.

### **Location and Key Constraints**

The application relates to a single storey detached dwelling known as The Log Cabin, situated at the rear of Orchard Cottage.

The site is located within the Green Belt and partially covered by a blanket Tree Preservation Order (TPO).

## Comments from Local Residents and Groups

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

### Objections

- Would be regrettable to replace the Log Cabin, already a substantial and well equipped building, but still with the 'flavour' of an outbuilding, with a small brick bungalow, close enough to Orchard Cottage to drastically alter its appearance and character.
- It is situated within Holwood, an historic Grade 2 listed estate within the Green Belt, a site of interest for nature conservation, adjacent to an Iron Age Hill Fort and an SSSI. The site is also covered by TPOs.
- Orchard Cottage is the oldest building on the historic Holwood estate and has already been extended considerably
- The Log Cabin was built without planning permission
- Unacceptable to use the original unlawful development to promote further development
- Bromley still has a policy of refusing 'back-fill' development
- This application proposed a new three bedroom house in the garden of Orchard Cottage and fencing it off to make an entirely new residential dwelling.
- When the Log Cabin was built it was thought to be an accessory of the swimming pool - albeit without planning permission.
- The new building would sit inappropriately alongside the two cottages and the entrance lodge that belonged to the original Holwood estate
- If allowed this proposal would create precedent for more development in the Green Belt
- There are no special circumstances

## Comments from Consultees

### Drainage Engineer:

- The proposed site area is 172.1m<sup>2</sup>. There is no public surface water sewer near the site, so the applicant is required to make his own arrangement as how to dispose of surface water run-off.
- Please impose Condition D02.

### Highways:

- The applicant is providing 2 parking spaces for the proposed house and there are spaces available within the site's curtilage which would be utilised for parking for donor house. Therefore on balance as it is a small development I raise no objection to this proposal.
- Please include the following conditions with any permission: H03 (Car Parking), H26 (Repair to damage roads),

The Councils Tree Officer was also consulted however no response has been received.

## **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

### London Plan Policies

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste net self-sufficiency  
Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
Policy 7.16 Green Belt  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

#### Unitary Development Plan

H1 Housing Supply  
H7 Housing Density and Design  
BE1 Design of new development  
G1 The Green Belt  
G5 Replacement Dwelling in the Green Belt  
NE7 Development and Trees  
T3 Parking  
T18 Road safety

#### Draft Local Plan

1 Housing Supply  
4 Housing Design  
30 Parking  
37 General Design of Development  
49 Green Belt  
52 Replacement Dwelling in the Green Belt  
73 Development and Trees

#### Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance

## Planning History

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

- 86/02999/FUL - Two storey rear extension - Permitted 29.12.1986
- 88/00097/FUL - Replacement double garage - Permitted 24.02.1988
- 94/01036/FUL - Single storey side/rear extension - permitted 30.06.1994
- 04/02033/FULL6 - Part one/two storey rear and front, side and rear dormer extensions - Refused 15.07.2004
- 04/03791/FULL6 - Part one/two storey rear and rear dormer extensions - Refused 02.12.2004
- 06/02358/PLUD - Single storey outbuilding and swimming pool at rear  
CERTIFICATE OF LAWFULNESS FOR A PROPOSED DEVELOPMENT - Proposed Development is Lawful - 02.08.2006
- 07/00626/FULL1 - Single storey rear extension - Permitted 30.04.2007
- 17/01177/ELUD - Use of log cabin as one self-contained dwellinghouse falling within C3 Use Class which has been continuous for in excess of 4 years. Lawful Development Certificate (Existing) - Existing Use/Development Is Lawful 17.05.2017
- 17/03825/PLUD - Single storey front infill extension, single storey side and single storey rear extensions, erection of 1.8m high fence to form residential curtilage. Lawful Development Certificate (Proposed). - Proposed Development is Lawful

## Considerations

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

- History
- Principle
- Green Belt
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- CIL

### History

The site, known as Log Cabin, was established as a residential dwelling under planning ref. 17/01177/ELUD 'Use of log cabin as one self-contained dwellinghouse falling within C3 Use Class which has been continuous for in excess of 4 years Lawful Development Certificate (Existing)'.

A subsequent Lawful Development Certificate (17/03825/PLUD) was also approved which sought a single storey front infill extension, single storey side and

single storey rear extensions, and the erection of a 1.8m high fence to form residential curtilage.

### Principle

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

Policy 3.4 of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is currently in residential use and is located adjacent to residential dwellings. A Lawful Development Certificate (17/01177/ELUD) established that the building, known as Log Cabin, has been used as a self-contained residential unit in excess of 4 years. Therefore the proposal to replace the existing dwelling would not result in a change of use of the site. Therefore the provision of a new dwelling unit on the land may be acceptable in principle subject to an assessment of the impact of the proposal with regard to policy relating to the Green Belt, appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

### Green Belt

Having established that the site is within the Green Belt the Authority must consider both its own Development Plan Policy and edicts of the NPPF.

As set out in para 87 of the NPPF, where a proposal is inappropriate development in the Green Belt, it is by definition harmful and should not be approved except in very special circumstances.



Para 88 of the NPPF advises that LPAs should give substantial weight to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm, is clearly outweighed by other considerations.

Therefore, the harm in principle to the Green Belt remains even if there is no further harm to openness because of the development.

Openness is an essential characteristic of the Green Belt and is different from visual impact. Openness is about freedom from built form. Even if there is absence of harm to openness, there can be harm in principle to the Green Belt from inappropriate development.

The NPPF dictates that the construction of new buildings in the Green Belt is inappropriate, with a few exceptions. In this case the proposed development is / is not one of the specified forms of development considered to be an exception. The Council is therefore satisfied that the proposed form of development is, by definition appropriate / inappropriate development in the Green Belt.

Policy G1 of the UDP states that within the Green Belt permission will not be given for inappropriate development unless very special circumstances can be demonstrated that clearly outweigh the harm by reason of inappropriateness or any other harm. The construction of new buildings or extensions to buildings on land falling within the Green Belt will be inappropriate unless it is for a limited extension, alteration or replacement of existing dwellings.

Policy G5 states that where a building is in residential use in the Green Belt or on Metropolitan Open Land (MOL), the Council will permit its replacement by a new dwelling providing that:

- (i) The resultant dwelling (including garaging and any accommodation below ground) does not result in a material net increase in floor area compared with the existing dwelling as ascertained by external measurement; and
- (ii) The size, siting, materials and design of the replacement dwelling and of any associated works (such as boundary fences or walls) does not harm visual amenities or the open or rural character of the locality.

The text to this policy (para 8.27) defines a material net increase as 10% over the existing building, depending on design issues and also states that existing building will include any development or ancillary building which are within 5m.

Paragraph 89 of the NPPF states that "local authorities should regard the construction of new buildings in the Green Belt...with the exception of replacement buildings, where they are in the same use and not materially larger than the one they replace".

A Lawful Development Certificate (17/01177/ELUD) established that the building, known as Log Cabin, has been used as a self-contained dwelling for a minimum of 4 years. The existing dwelling has a foot print of 95.4sqm. The proposed dwelling

would have a footprint of 172.1sqm, resulting in a significant increase over the existing dwelling (approximately 180% increase). As such, the proposal is considered to constitute development that is not appropriate within the Green Belt as specified by paragraphs 87, 88 and 89 of the NPPF and as such very special circumstances are required that clearly outweigh the harm the development would cause to the Green Belt by definition and any other harm.

The applicant has put forward a case for Very Special Circumstances. The applicant has stated that the dwelling could be extended under permitted development, by way of a single storey front, side and rear extension (approved under planning ref. 17/03825/PLUD). The application states that the overall footprint and volume would be less than the existing dwelling were permitted development extensions completed. The approved dwelling has a potential floor area of 173.5 square metres, however the proposed dwelling would create a total floor area of 172.1 square metres, a reduction of 1.4 square metres. In addition, the proposed dwelling will have flat roof with a height of 3.3m, a reduction of 0.5m from the existing dwelling. The Planning, Design and Access Statement also highlights that the proposal would include a grass roof in order to reduce the visual impact and blend into the landscape.

It was confirmed on site that the existing dwelling has not yet been extended following the approved Certificate. However it is considered reasonable to assume in this case that these works would be completed should this application be refused, and they are therefore being considered as a genuine 'fall back' option.

Furthermore, the existing detached garage, with a habitable room over, has a floor area of 72.5sqm. It is located in the south-western corner of the site and will be removed to provide vehicular access for the proposed dwelling. Whilst this garage is located over 5m from the dwelling, therefore cannot be included in the floor space calculations, it is considered that the removal of this two storey garage would positively contribute to the openness of the Green Belt and help to offset the proposal. It is considered appropriate to include a condition with any permission to remove Permitted Development rights for both properties, in order to ensure that a new garage will not be erected on site without prior approval in writing from the Council, as this could undermine the Very Special Circumstances case made with this application.

Having had regard to the Very Special Circumstances that have been presented, it is considered that, on balance, the proposed development is inappropriate development in the Green Belt however the Very Special Circumstances are considered sufficient to outweigh the harm to the Green Belt.

### Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

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

Policy BE1 of the Bromley UDP states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout.

The proposed single storey dwelling has a contemporary flat roof design, and incorporates a grass roof. Whilst this is not necessarily a reflection of the local architecture in this area, the lowered grass roof helps to reduce the overall bulk and softens the visual impact. Furthermore, the dwelling is situated approximately 39m from the highway therefore will not be highly visible from the street.

The submitted plans indicated that the walls will be finished with horizontal timber cladding with black aluminium box window surrounds. Given that the property will be single storey only, it is considered that the proposed replacement dwelling will not impact significantly on the character of the area or the street scene in general.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed dwelling would not appear out of character with surrounding development or the area generally.

#### Standard of residential accommodation

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

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

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

The proposed dwelling has an internal area of approximately 155sqm. As a 1 storey 3 bedroom dwelling, the minimum internal area must be 95sqm therefore the proposed dwelling is compliant with the required standards and is considered acceptable.

It would have a large GIA and all three bedrooms exceed the minimum requirements for double bedrooms. The shape, room size and layout of the rooms in the proposed dwelling are considered to be satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. It is therefore considered that the proposal would offer a high level of residential amenity for future occupiers.

The proposed dwelling provides sufficient amenity space with a large rear garden. The garden will be 21m deep. It is therefore considered that the proposed garden is sufficient.

### Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

The area has a PTAL level of 1b (on a scale of 0 - 6b, where 6b is the most accessible). The proposal includes the demolition of the existing garage, which serves Orchard Cottage, in order to provide vehicular access for the proposed dwelling.

Whilst the proposal would result in the loss of a parking space for Orchard Cottage, by way of the demolition of the detached garage, there is sufficient space on the remaining frontage for parking at Orchard Cottage, therefore the removal of the

detached garage is not considered to impact significantly on parking levels for the donor property.

A new 3.7m wide access road and two parking spaces are provided to the front of the proposed property which is considered sufficient for the proposed bungalow. As such, no objection was raised from the Councils Highways Officer.

### Neighbouring amenity

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

The proposed dwelling is located at the rear of Orchard Cottage, utilising the western flank boundary therefore Orchard Cottage is within the closest proximity to the proposed dwelling. Orchard Cottage already hosts the Log Cabin within the rear garden, which has been established as a self-contained dwelling for at least four years (planning ref 17/01177/ELUD).

The proposed single storey dwelling will result in a reduction of 0.5m in height and includes a grass roof to reduce the visual impact. The proposed boundary fence will be 1.8m high and located 20m from the rear of Orchard Cottage. The proposed dwelling will provide 26m separation from the rear of Orchard Cottage. Given the separation between properties it is considered that the proposed single storey dwelling would not result in a detrimental impact on the amenities if the occupiers of Orchard Cottage, over and above that already existing.

Open green spaces and ponds are located to the north and west of the site, with these boundary lines currently consisting of established trees and vegetation. Therefore no residential neighbours are located within close proximity to the north or west.

### Trees

Policy NE7 of the UDP advises that when considering development proposals, the Council will seek the retention and the long-term health and stability of as many trees as possible.

The application is accompanied by an Arboricultural report which states that the removal of the Silver Birch (T2), the Hedges (H1 and H2) and the Spruce (T11) are recommended for removal due to their proximity to the proposed development. As Category C trees, the removal of these trees is not considered significant to warrant refusal of the application.

Furthermore, the western flank benefits from a substantial number of trees and established vegetation. It is therefore considered that the removal of the above

trees would not significantly impact on the character of the area and verdant nature of the surroundings.

The Councils Tree Officer has been consulted on this application and a verbal update will be provided at the Committee meeting regarding any comments received.

### Sustainability

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

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

### CIL

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

### **Conclusion**

Having had regard to the above it is considered that the proposed development is inappropriate development within the Green Belt, however Very Special Circumstances exist, which are considered sufficient to outweigh the harm to the Green Belt.

Furthermore, it is considered that the proposal will not result in a significant loss of amenity to local residents.

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

### **RECOMMENDATION: PERMISSION**

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

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

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

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

**Reason:** In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

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

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

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

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

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

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

- 6** Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.

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

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

**Reason:** In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

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

**Reason:** In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

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

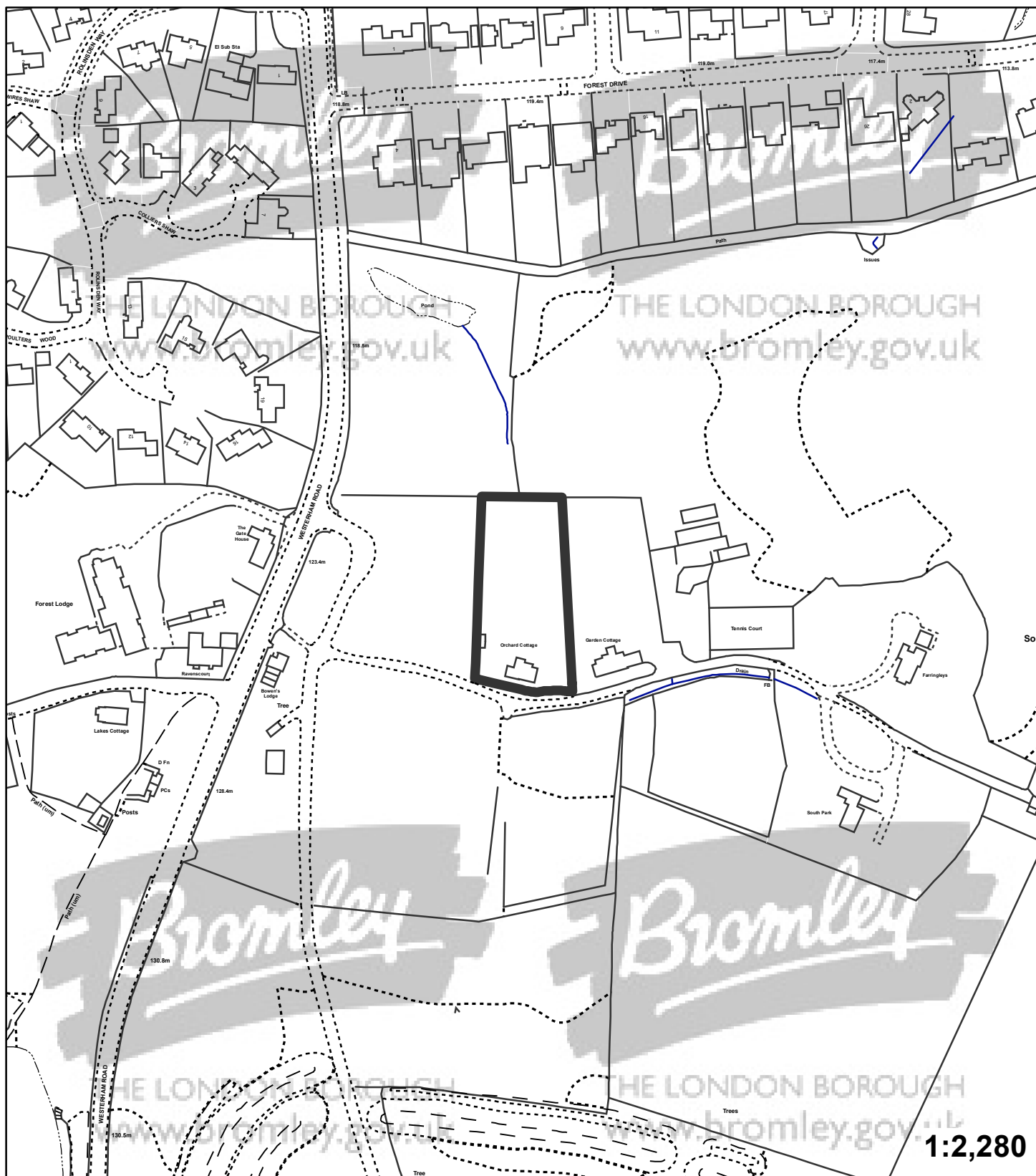
**Reason:** To comply with Policy 3.8 of the London Plan and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.



**Application:**18/00887/FULL1

**Address:** Log Cabin Orchard Cottage Westerham Road Keston BR2 6HB

**Proposal:** Demolition of existing dwelling and garage and erection of new single storey contemporary dwellinghouse of 3 bedroom design with associated parking, access and landscaping



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

**Application No :** 18/01012/FULL1

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

**Address :** 9 St Clare Court Foxgrove Avenue  
Beckenham BR3 5BG

**OS Grid Ref:** E: 537994 N: 170143

**Applicant :** Mr D Sencupta

**Objections :** YES

### **Description of Development:**

Conversion of basement storage into 1 studio flat.

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 12

### **Proposal**

Planning permission is sought for conversion of the existing basement storage into a studio flat.

The application is a resubmission of a similar application refused planning permission on 12.05.2017.

The application is accompanied by a Design & Access statement.

### **Location and Key Constraints**

The application site 9 & 10 Foxgrove Avenue is a detached building comprising two separate flats situated on the eastern side of Foxgrove Avenue, Beckenham. Access to the rear of the site is achieved via a sideways which slopes downwards between the application site and No.5-8 St Clare Court. To the rear of the site lies communal gardens.

Foxgrove Avenue is situated in a predominately residential area, with a mix of detached dwellinghouses and purpose built blocks of flats. Foxgrove Avenue is also designated as an Area of Special Residential Character (ASRC).

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

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

## Objections

- The proposal represents a subterranean development which would put the foundations of the existing building into jeopardy.
- The internal height of the current space is 1.5m, therefore the proposed trifold and bifold windows will not open out onto the garden as the current garden is above the bottom half of the proposed windows-doors. A large area of the garden would need to be excavate a large area of the garden to accommodate the proposal.
- There is no disabled access
- The proposed access is at the bottom of a steep slope
- The proposed two side windows are sited within the floor space of the flat above.
- The reality is that the windows will be directly opposite the bedroom of Flat 8a, with the inherent loss of privacy and potential for light pollution.
- Deep excavation is impossible whilst No.8a is occupied. No information has been supplied regards the removal of spoil from an area that has no access for heavy machinery or vehicles due to its location down a steep narrow slope.
- There is no details about waste, recycling or storage.
- The proposed flat will suffer from damp
- The excavation of the basement will lead to noise and disruption and damage to No.9-10 St Clare Court
- In order to achieve the required head height of 2.5m the applicant would need to dig down at least 1m from the existing ground level.
- From the north elevation drawing, the proposed windows on the north side are indicated to be 1.7m above the proposed ground floor level. Considering the 1m excavation they are actually just 0.7m above the existing ground level.
- We live in Flat 8a and the applicant is the same who built our flat which has serious damp problems.
- The side windows would be directly opposite our bedroom, which will result in a loss of privacy and noise
- The new entrance to the rear will mean the occupants will have to walk past our bedroom window to get to their property.
- Last time the developer did the other flats the residents didn't have any garden for 2yrs because of the state it was in.

Full copies of all the objection letters submitted can be found on the application file.

## Comments from Consultees

Environmental Health (Pollution) - no objection

Highways - the site is located in an area with a PTAL rating of 1a (on a scale of 0-6b, where 6b is the most accessible).

The development is a studio flat. As there is a correlation of car ownership and type of dwelling people reside, this suggests that not all occupiers will own car(s).

Furthermore I am of the opinion that the development would not have a significant impact on the parking in the surrounding road network. Therefore I raise no objection to the proposal.

The applicant should provide 1 cycle parking spaces within the site's curtilage for the occupiers of the development. Please include the following with any permission: condition H22 (cycle parking).

Drainage - no comment

Thames Water - no comments received

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

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

#### London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 8.3 Community Infrastructure Levy

#### The Mayor's Housing Supplementary Planning Guidance

#### National Housing Standards

The National Planning Policy Framework, with which the above policies are considered to be in accordance.

#### Unitary Development Plan

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H8 Residential Extensions
- H10 Area of Special Residential Character
- T3 Parking
- T18 Road Safety

#### Draft Local Plan

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Draft Policy 6 Residential Extensions
- Draft Policy 30 Parking
- Draft Policy 37 General Design of Development
- Draft Policy 44 Areas of Special Residential Character

#### Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

## Planning History

Planning application ref: - 17/00758 was dismissed at appeal.

Under planning application ref: - 17/00758/FULL1 planning permission was refused for conversion of basement storage into a 1 bedroom flat (resubmission of planning application ref: 16/03932/FULL1). The application was refused for the following reason:

1. The proposed windows on the flank elevation do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan.
2. The proposed basement conversion would not comply with the required head heights contrary to Policy 3.5 of the London Plan.
3. The proposed windows on the flank elevation would lead to a loss of privacy and mutual overlooking of Flat 8a of 5-8 St Clare Court contrary to Policy BE1 of the Unitary Development Plan.

Under planning application ref: 16/03932 planning permission was refused for conversion of basement storage into no.1 bedroom flat. The reason for refusal read as follows:

1. The proposed windows within the living room do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan.
2. The proposed basement conversion would not comply with the required head heights contrary to Policy 3.5 of the London Plan.

Under planning application ref: 15/01235 planning permission was refused for conversion of basement storage area into self-contained flat. The reasons for refusal read as follows:-

1. The proposed windows within the bedrooms of the proposed basement flat do not provide a reasonable view or outlook and the kitchen and bathroom do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to Policies BE1 and H11 of the Unitary Development Plan and the Mayors Housing SPG.
2. The proposal would lack adequate on-site car parking resulting in increased stress on existing on-street parking in the area and leading to concerns regarding highway safety, Furthermore the applicant has failed to demonstrate that adequate cycle parking could be accommodated on the site. Consequently the proposal is contrary to Policies T2, T3 and T18 of the Unitary Development Plan and Policy 6.3 of the London Plan.

(No.1-4 St Clare Court)

## Planning History for Flat 8a

Under planning application ref. DC/10/01670 planning permission was granted for "Conversion of existing basement storage area into 2 two bedroom flats and installation of new windows and doors to the rear and side elevation. Formation of new storage cellar/communal store room /bicycle and bin store.

Application reference: 10/01670 was similar to that approved under DC/10/00880. The internal layout was varied to create a central hallway and the layout of the flats was varied on the advice of the Council's Fire Officer that there was inadequate means of escape.

Under planning application reference:- DC/10/00880/AMD an amendment to the internal layouts and replacement of entrance doors to flats A & B (with integral windows) with kitchen windows was refused (at No.1-8 St. Clare Court).

Under planning application reference:- DC/10/00880 planning permission was granted for the conversion of the existing basement storage area into 2 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).

## Considerations

The primary issues in the assessment of this planning application are:

- Resubmission
- Principle of development
- The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality
- The quality of living conditions for future occupiers
- Impact on the amenity of neighbouring residents
- Highways and traffic issues

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.

### Resubmission

The previous application was dismissed at appeal. The inspector considered the main issues to be:

- 1) whether the proposal would make adequate provision for the living conditions of future occupiers of the accommodation, having regard to light, ventilation and ceiling heights &



- 2) whether the proposed development would safeguard the living conditions of neighbouring occupiers of Flat 8a, 5-8 St Clare Court.

The Inspector found the previous 1 bedroom flat to provide inadequate ceiling height; 2.4m. 2.5m is the aspiration set out in Standard 31 of the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016, although concluded that this would not in itself result in an unsatisfactory impact on future occupiers.

Furthermore the Inspector found the side window would benefit from a reduced level of natural light, being north-facing.

Regarding the living conditions, privacy of neighbours and future occupiers the proposed kitchen and living room windows would incorporate windows looking towards the neighbouring basement Flat 8a & 5-8 St Clare Court. The Inspector found that the window had the potential for permanent direct overlooking being located only a few metres away from the kitchen window resulting in a severe impact on the privacy of neighbouring occupiers.

Following the dismissed appeal the agent has submitted a revised application which shows a studio flat measuring 65sqm (GIA), a ceiling height of 2.5m, two high level windows on the side elevation and an entrance door and bi-folding doors in the rear elevation.

#### Principle of Development

The National Planning Policy Framework (NPPF) promotes the efficient and sustainable use of land for housing. Policy H7 of the UDP outlines the criteria that applications for new housing must meet. It requires the site layout, buildings and level of amenity space to be in keeping with the surrounding area. The Council will therefore resist proposals that would undermine local character or that would be likely to result in detriment to existing residential amenities.

Bromley's Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

The site is located within a predominantly residential area where the Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

The provision of an additional dwelling by converting the existing basement needs to be considered subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining

and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality

The property is located on Foxgrove Avenue, Beckenham where there are a wide variety of differently designed large detached properties, and blocks of flats as in this case. Consistent character is, however, achieved through similar separation spaces, dwelling footprint and plot widths. The Foxgrove Avenue Area of Special Residential Character states that the area is in the main inter/post war with spacious rear gardens. The blocks of flats along this part of Foxgrove Avenue are all of a similar style and appearance.

The eleven flats located within the three blocks were constructed during the 1930's and the basement areas below flats 1-8 & 9-10 were originally used for the storage of coal and now form part of a large storage area for residents of these flats.

The proposed changes will require both internal and external changes on the flank and rear elevations with windows and bi-folding doors to the rear providing access and light and ventilation to the property. Two high level windows are shown on the flank of the property.

In terms of the impact of the proposal on the visual amenities of the area in general and upon the character and appearance of the Area of Special Residential Character, it is considered that the siting of the development at the side and rear of the property and the works to the ground level would result in the proposal having an acceptable impact. The formation of the basement would not harm the character and appearance of the Area of Special Residential Character and the excavation, whilst causing noise and disturbance to existing residents would not be detrimental to the appearance of the host building.

The quality of living conditions for future occupiers

Table 3.3 of The London Plan and the Draft Housing SPG (2015) state that 'The nationally described space standard sets a minimum ceiling height of 2.3m for at least 75% of the gross internal area of the dwelling. However, to address the unique heat island effect of London and the district density and flattened nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The submitted drawings indicate that the basement flat would now provide a ceiling height of 2.5m (external measurement) which would result in the flat meeting the required standard.

Policy 3.5 of the London Plan states the minimum internal floor space required for residential units on the basis of the occupancy that could be reasonably expected within each unit. The floor space of the proposed unit varies in size depending on the useable height area (owing to the sloping heaves height).

Table 3.3 of the London Plan & National Housing Standards requires a Gross Internal Area of 50sqm for a one bedroom, two person flat. With regard to the above it appears that the size of the flat complies with the minimum space standards (measuring approximately 65sqm) contained in the London Plan.

The proposed flat would comprise a studio flat containing internal living spaces, a kitchen, bathroom and bedroom. Whilst the entrance is now to the rear it means that only two high level windows are now proposed in the flank elevation which would reduce any direct overlooking to the occupiers of No.8a. It is acknowledged that the entrance to the studio flat would be from the rear and future occupiers would be required to walk down the passageway and past Flat 8a to the rear communal garden area. Nevertheless it is considered that a satisfactory quality of accommodation would be provided for future occupiers. The main natural light would come from the rear elevation only.

### Residential Amenity and Impact on Adjoining Properties

It is acknowledged that the period of construction would result in some noise and disturbance to the existing residents in the flats of 1-8 St Clare Court as well as No.9&10. However these matters are outside of planning control and the application falls to be considered on the basis of the information submitted with the application in relation to the planning policies and guidance pertinent to the case. Several neighbours have stated that the building of the basement flat at No.1-8 allowed in 2010 caused lots of noise, dirt, dust and debris.

Furthermore the occupier of Flat 8a has written in to say that their flat built by the same landlord is subject to severe damp and that the communal garden area was unusable for 2yrs whilst their flat was built. It is acknowledged that the site is constrained with access via the narrow alleyway only in terms of excavation taking place and the removal of material. There may also be an issue for the occupiers of Flat 8a in terms of their own access, which is on the flank elevation. However, these matters would result in a temporary impact only and would not themselves constitute a reason to refuse planning permission.

### Highways

Several of the neighbouring residents have commented that there is no off-street parking and that there is already inadequate parking in the road with evenings and weekends being particularly troublesome. They maintain that to add another dwelling would generate additional traffic. Residents have also stated that there is no useable space to erect cycle storage racks.

The site is within a low (1a) PTAL area. No additional parking has been provided as part of the application and as the Highways Officer as part of the previous application stated the development would not have a significant impact on the parking in the surrounding road network, subject to a condition for cycle storage. Furthermore no concerns were raised in this regard at appeal.

## Other matters

It is acknowledged that concern has been expressed regarding the means of construction and structural impact of the proposal on the host building, including potential for water ingress. These matters are considered to be outside of planning control and would be addressed by separate legislation and guidance, including the Building Regulations.

## Summary

In summary, the general principle of a conversion is not considered to be inherently out of character within the locality given the Council's decision to grant planning permission for a basement conversion at No.1-8 St Clare Court. Having regard to the amendments to the proposal since the previous refusal members may consider that the proposal now meets with the Council's Policies and overcomes the issues set out in the Inspector's decision letter concerning the previous application. Accordingly it is recommended that planning permission is granted.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/17/00758 & 16/03932 set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

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

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

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

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

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

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

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

- 4 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate)**

shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

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

- 5** The surface water drainage system indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

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

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

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

**You are further informed that:**

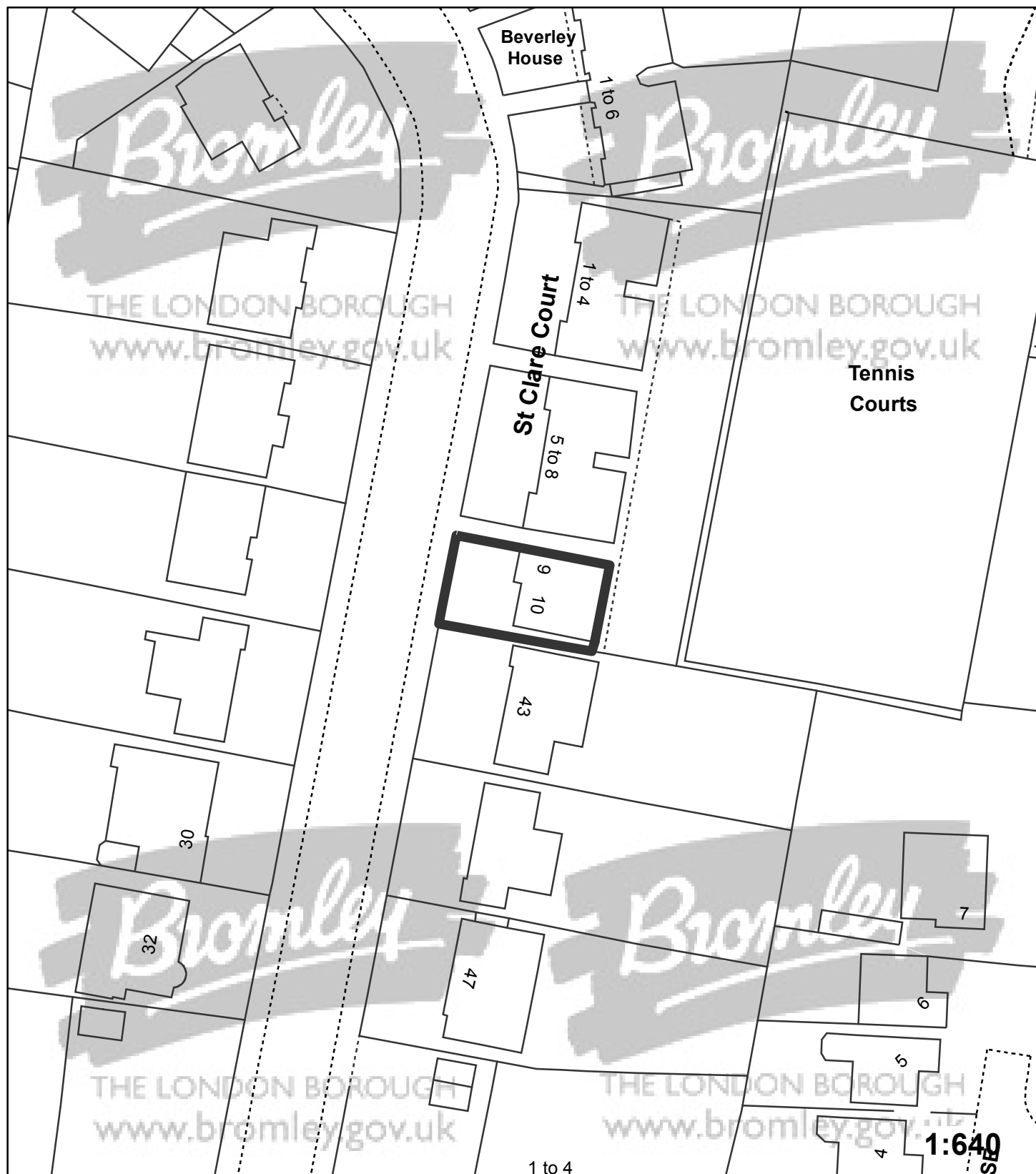
- 8** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)
- 9** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

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**Application:**18/01012/FULL1

**Address:** 9 St Clare Court Foxgrove Avenue Beckenham BR3 5BG

**Proposal:** Conversion of basement storage into 1 studio flat.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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

**Application No :** 18/01286/FULL1

**Ward:**  
**Bromley Town**

**Address :** 1 - 3 Market Square, Bromley BR1 1NA

**OS Grid Ref:** E: 540219 N: 169342

**Applicant :** .

**Objections :** YES

### **Description of Development:**

Alterations to the shopfront including installation of new sliding entrance door with associated works to site and elevational alterations.

Key designations:

Conservation Area: Bromley Town Centre  
Areas of Archaeological Significance  
Biggin Hill Safeguarding Area  
Bromley Town Centre Area  
London City Airport Safeguarding  
Primary Shopping Frontage  
Smoke Control SCA 5

### **Proposal**

Planning permission is sought for the installation of a new sliding entrance door and alterations to the shopfront. The proposals can be summarised:

- Repainting of existing stall risers, masonry and window frames in white/khaki green respectively.
- Redecoration of all window frames including external reveals.
- Existing door to be replaced by an automatic single sliding entrance door which would be finished in khaki green to match the painted ground floor window frames. The existing recessed porch would be removed (albeit with the decorative surround retained to the external elevation) and the proposed doors would be positioned closer to the front elevation than at present.

The application is a resubmission following a previous refusal of planning permission under reference 18/00126. The external appearance of the sliding door has been amended to include a curved profile to the top of the door and a horizontal bar positioned above stallriser height.

### **Location and Key Constraints**

The application site comprises a double unit established A3 hot foot restaurant with takeaway.

The building lies within the Bromley Town Centre Conservation Area, within a terrace of commercial buildings. The upper storey of the building is also in Class A3 use.

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

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

### **Local Groups - Bromley Business Improvement District**

“We would like to support the planning application to replace the current entrance door with sliding doors to increase access for customers with mobility needs and remove the recess at the entrance.

In our opinion there would be minimal adverse affect to the conservation area and that the benefits to increasing mobility access far outweigh these minimal conservation issues.”

### **Comments from Consultees**

APCA: Objection - loss of the architectural feature of the recessed existing doorway.

Conservation Officer: Concern remains regarding the loss of the recessed door entrance which is a traditional feature of the shopfront and contributes to the character and appearance of both the building and this part of the Conservation Area.

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

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

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

#### London Plan Policies

- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

#### Unitary Development Plan

- BE1 Design of New Development
- BE11 Conservation Areas

#### Emerging Local Plan

- 37 General Design of Development
- 41 Conservation Areas

#### Supplementary Planning Guidance

- SPG1 General Design Principles
- Bromley Town Centre Conservation Area SPG

### **Planning History**

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

Application Number	Description	Decision
05/03163/FULL1	New shopfront	Permission
12/01993/FULL1	Replacement shopfront	Refused
12/03000/FULL1	Replacement shopfront	Permission

16/04740/FULL1 Refurbishment of shopfront to include repainting of window frames, stall risers and masonry walls Permission

18/00126/FULL1 Installation of new sliding entrance door with associated works to site and elevations. Refused

"The removal of the existing feature doorway and the design of the proposed glazed door would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan."

18/00613/FULL1 Replacement windows to existing shopfront. Refused

"The replacement of the existing timber window frames with aluminium frames as proposed would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan."

## **Considerations**

### Resubmission

The current scheme attempts to overcome the ground for refusal in respect of 18/00126/FULL1:

"The removal of the existing feature doorway and the design of the proposed glazed door would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan."

The application has been amended in that:

- The design of the sliding door itself has been amended to include a horizontal panel/bar and a curved upper feature.

The applicant's agent was advised of the detailed ground for refusal which included the removal of the existing feature doorway in addition to the design of the proposed glazed door and responded:

*"We have discussed these concerns with our client and architect and can confirm that whilst the recess will be reduced from 1700mm to 430mm - There will be a recess, as the columns are being retained."*

*We believe that the current positioning of the door and recess would have been introduced to ensure that the swing door met DDA compliance and did not swing into the Highway, rather than an historic recess of that depth.*

*The swing door currently leads to a number of safety issues and on a number of occasions push chairs have been entering the restaurant and as someone left the restaurant, backing on to the road. This is a bottleneck and a sliding door would significantly improve the overall operations at the entrance.*

*The design has been amended to ensure that the overall appearance will be minimally impacted.*

*We would respectively request that you review the new application on the above comments, which we believe highlight the benefits to the business and the negligible impact on the building, within the surrounding area."*

#### Impact of the proposal on the character and appearance of the Bromley Town Centre Conservation Area

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Within or adjacent to a Conservation Area:

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

The application site lies in a prominent position within the Bromley Town Centre Conservation Area. It falls to consider whether the proposals would preserve or enhance the character and appearance of the conservation area.

The works include repainting of the shopfront using colours that would link to the commercial branding of the premises, without the replacement of existing external fixtures or masonry detailing that it is considered to contribute to the appearance of the host building and the character and appearance of the wider conservation area.

These works are not considered to raise planning concerns, comprising the repainting of existing frames/features rather than their replacement.

The removal of the existing door and its replacement with a sliding electric door falls to be carefully considered in the context of the visual amenities and character of the conservation area. It is noted that the actual doorway is recessed, set back behind a decorative masonry pediment/a deep reveal. This set back would be largely removed, with the proposed sliding door positioned towards the shopfront, rather than at the rear of the recessed porch. The design of the sliding door itself, as currently proposed, represents an improvement over the previous proposal in that it includes decorative detailing that would broadly compliment the host building.

However, the existing front entrance has some charm, incorporating as it does decorative detailing which contributes to the overall quality of the shopfront and the appearance of this part of the conservation area. While the decorative external detailing would be retained, the deep reveal/internal porch which leads to the existing conventional door would be lost, removed and replaced by the proposed electronic sliding door which would be positioned immediately behind the entrance pillars. The loss of the original design feature of the recessed door would be detrimental to the appearance of the property. It is considered that the proposal would fail to preserve the character and appearance of the conservation area, being detrimental to the appearance of the host property which makes a positive contribution to a key area of the Bromley Town Centre conservation area, resulting in less than substantial harm to the designated heritage asset.

The comments received regarding the benefits associated with the proposal to the access arrangements to the property are noted. However, it is not considered that these outweigh the identified harm that the proposal would have upon the host building which lies within a conservation area. The pavement adjacent to the building is quite wide, the proposal does not widen the actual access point to the property and there may be other means of automated access to the premises that would not harm the appearance of the building.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

### **Conclusion**

The proposal would have no significant impact on residential amenity and the repainting of the existing window frames, stall risers and masonry would not be harmful to the character and appearance of the conservation area. However, the removal of the existing recessed front entrance and the replacement of the existing door with a sliding door would be harmful to the appearance of the host building which is prominently sited and is considered to make a positive contribution to the character and appearance of the conservation area.

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

**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The removal of the existing feature doorway and its replacement by a sliding door would be detrimental to the appearance of the host building which is considered to make a positive contribution to the character and appearance of the Conservation Area, thereby contrary to Policies BE1 and BE11 of the Unitary Development Plan, Policies 37 and 41 of the draft Local Plan and Policies 7.4 and 7.8 of the London Plan.**

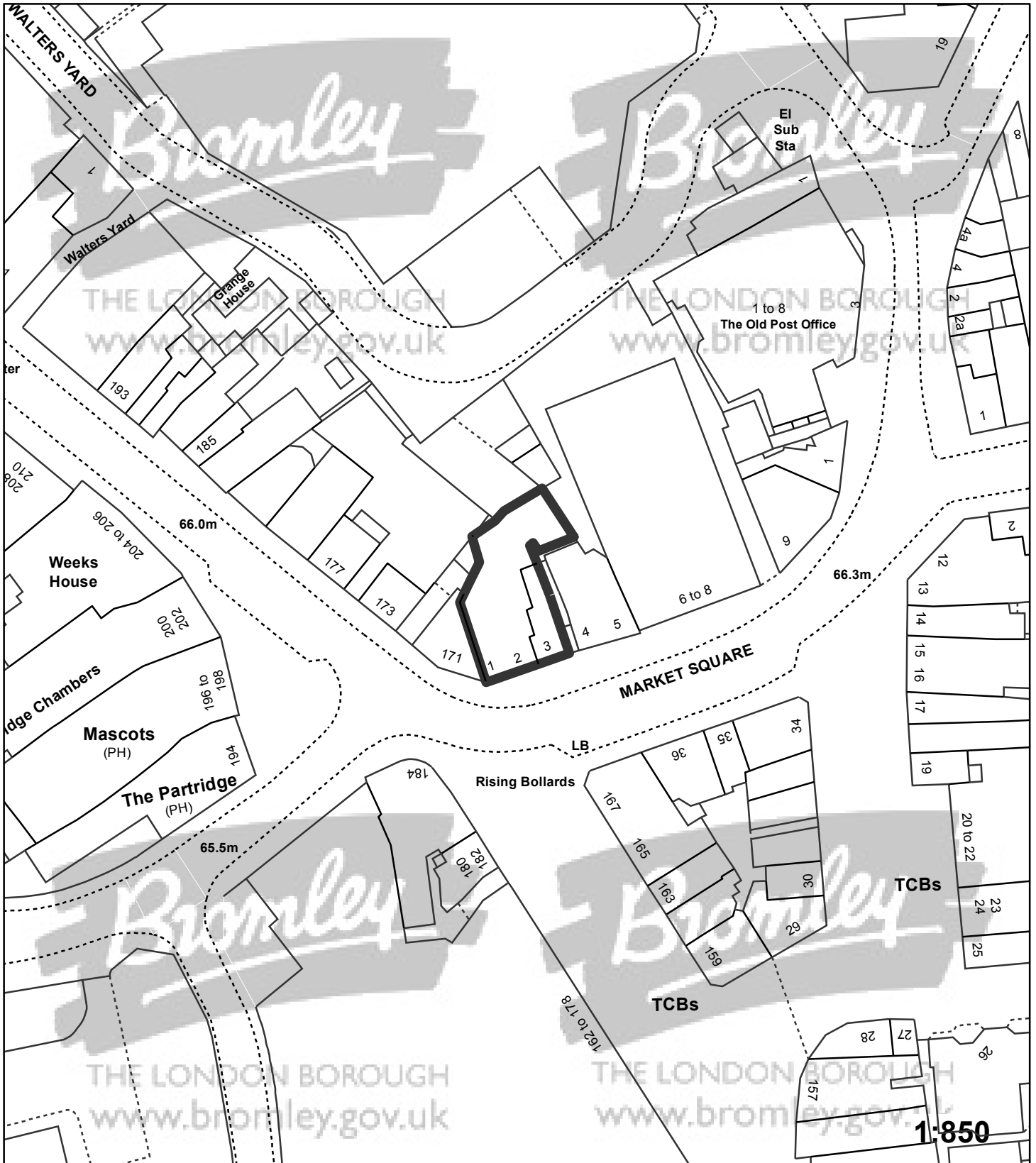
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**Application:**18/01286/FULL1

**Address:** 1 - 3 Market Square Bromley BR1 1NA

**Proposal:** Alterations to the shopfront including installation of new sliding entrance door with associated works to site and elevational alterations.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 17/05934/RECON

**Ward:**  
Plaistow And Sundridge

**Address :** 76 College Road Bromley BR1 3PE

**OS Grid Ref:** E: 540202 N: 169987

**Applicant :** Mrs Vanessa Ward

**Objections :** YES

### **Description of Development:**

Removal of Condition 8 of Planning Permission 16/02999/FULL1 for the Change of use from a Cafe to hot food takeaway (Use Class A5) together with a new shopfront and installation of ventilation ducting to the rear in order to allow a delivery service by push bike only

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 5

### **Proposal**

Removal of Condition 8 of Planning Permission 16/02999/FULL1 for the Change of use from a Cafe to hot food takeaway (Use class A5) together with a new shopfront and installation of ventilation ducting to the rear in order to allow a delivery service.

The application seeks consent for the removal of Condition 8 of Planning Permission 16/02999/FULL1 for the Change of use from a Cafe to hot food takeaway (Use class A5) together with a new shopfront and installation of ventilation ducting to the rear in order to allow a home delivery service with the use of a push bike only.

Condition 8 is as follows: There shall be no home delivery service provided by the use hereby permitted without written approval from the Local Planning Authority.

Reason: Reason: In order to comply with Policies BE1 and S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties and highway safety.

### **Location and Key Constraints**

The application relates to a three-storey semi-detached Locally Listed building, which is located on the east side of College Road. The property forms part of a row

of workers cottages from the early 1800s and is also one of eight Locally Listed buildings fronting College Road. It forms part of a local shopping parade and the surrounding area is a mixture of residential and commercial properties. The unit is currently vacant. There is also residential accommodation above the site. An access path leading to a rear service yard is situated next to the property. Within the rear yard is a single-storey outbuilding, which is currently being used by a restoration company.

The property is now operating as a takeaway and Permission 16/02999/FULL1 appears to have been implemented.

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

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

- o There are already too many takeaway shops in the area.
- o College Road is very busy, with heavy traffic day and night.
- o Parking is already difficult for neighbours. Parking is more difficult since the takeaway opened.
- o Inconsiderate parking
- o The property is on a dangerous bend and the bikes will be entering and exiting all the time. This will be dangerous, especially as there is no bicycle lane.
- o Concerns around vehicle and pedestrian safety.
- o Will result in accidents
- o Object to two Indian takeaways on the same road.
- o Noise and disturbance
- o Not enough existing parking spaces
- o Over the last 10 years 82 accidents have taken place, 18 of which are on this road. This is mainly due to carelessness around the bend. Two involving push bikes had fatalities.
- o College Road will not be able to deal with increase in traffic
- o Overprovision of takeaways
- o Located on a busy main road, on a bend where the road is at its narrowest. No room on the pavement at this point.
- o Cyclists will be under pressure to deliver and will be entering the road from this location.
- o May result in a death or serious injury to cyclist/pedestrian

### **Comments from Consultees**

Highways - Details were requested regarding how push bike riders will adhere strictly to the highway code, bike ability, duty of care to ensure bikes are road worthy, their public liability, cyclist insurance, training etc. The applicant should know that under the Highways Act 1835 s.72 (as amended by s. 85(1) of the Local Government Act 1888), cyclists must not cycle on a footway (pavement). No objections to the details of the above, which have been submitted by the applicant.

No objection to delivery service by push bike and removal of Condition 8 (i.e. there shall be no home delivery service provided by the use hereby permitted without written approval from the Local Planning Authority), as long as delivery is not done by motor vehicles.

I reiterate that use of motor vehicles especially cars will block access to existing restoration business and intensify the use of this access as all these customers will end up reversing on to College Road which is a London Distribution Route creating a road safety hazard and also interfere with the free flow of traffic.

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- o The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

### London Plan Policies

#### 7.15 Reducing and managing noise

#### Unitary Development Plan

#### BE1 Design of New Development

#### BE10 Locally Listed buildings

S9 Food and Drink Premises  
T3 Parking  
T18 Road Safety

Emerging Local Plan

Policy 30 Parking  
Policy 32 Road Safety  
Policy 37 General Design and Development  
Policy 39 Locally Listed Buildings  
Policy 96 Neighbourhood Local Centres, Local Parades and Individual Shops  
Policy 98 Restaurants, Pubs and Hot Food Takeaways

### **Planning History**

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

85/01946/FUL - Change of use from shop to take away food bar. Permission  
05.09.1985

89/01203/FUL - r/o 74/76 College Road. Single storey extension to garage and  
single storey extension to 74 college road. Refused 10.05.1989

97/01756/ADVILL. -Externally illuminated fascia sign to front and non illuminated  
wall sign to side. Refused 20.08.1997

98/00021/ADVILL non-illuminated wall mounted advertisement sign Refused  
04.03.1998

16/02999/FULL1 Change of use from a Cafe to hot food takeaway (Use class A5)  
together with a new shopfront and installation of ventilation ducting to the rear  
Permission. 19.12.2016

16/02999/CONDIT Details of conditions submitted in relation to planning  
permission ref: 16/02999/FULL1  
Condition 3 - Sound Insulation  
Condition 5 - Ventilation System Approved 23.05.2017

17/01448/RECON Removal of Condition 8 of Planning Permission  
16/02999/FULL1 for the Change of use from a Cafe to hot food takeaway (Use  
Class A5) together with a new shopfront and installation of ventilation ducting to  
the rear in order to allow a delivery service. Members resolved to refuse  
permission for the following reason:

1. The proposal would lead to an unacceptable intensification of the existing  
access within an area of poor visibility close to a junction, which would be  
prejudicial to the free flow of traffic conditions and general safety in the  
highway, contrary to Policy T3 and T18 of the Unitary Development Plan.

An appeal has now been lodged under ref: APP/G5180/W/18/3196435 against the refusal of planning permission and this is currently pending.

## **Considerations**

The main issues relating to the application are the impact on highway safety.

The site forms part of a local shopping parade which includes a number of A3/A5 uses and has a PTAL of 4. It is located on a sharp bend within College Road, which is a busy classified London Distributor Route. There are also parking restrictions in the form of single and double yellow lines within the immediate vicinity. The site benefits from an existing vehicular access path to the north of the site, which leads to a service area at the rear. There is also a detached outbuilding, used by restoration business located within this rear service area.

Policy T18 states that the Council will consider as appropriate the potential impact on road safety and will seek road safety is not adversely affected.

In 2017, under ref: 17/01448/RECON, the applicant also sought to remove condition 8 in order to provide a home delivery service, but this instead proposed the use of two motor vehicles. These vehicles would have been parked on the existing side access road, which lies to the north of the property.

Members resolved to refuse permission for the above application as it was considered that the proposal would have led to an unacceptable intensification of the existing access and, due to poor visibility at the junction the proposal would have been prejudicial to the free flow of traffic and general highway safety.

The current proposal is a re-submission; which seeks to remove condition 8 in order to provide a home delivery service with the use of bicycles only. The Council's Highways officer has not raised specific objections to this, subject to restrictions on the use of motor vehicles and details regarding how riders will adhere to the Highway Code. The applicant has submitted this additional information to the satisfaction of the highway officer. The bicycles would be parked to the rear of the site and would again utilise the existing access point and drive, which is already used by vehicles. Therefore, it is considered that given the highway comments, existence of the existing access point and restrictions on the use of motor vehicles the proposal would be on balance acceptable.

The use of push bikes would be unlikely to generate significant noise and disturbance and there would be still be a restriction on the use of motorised vehicles therefore the impact on the residential amenities of neighbouring properties is considered to be acceptable.

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

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

**RECOMMENDATION: APPROVAL**

subject to the following conditions:

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

**Reason:** In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.

- 2** The drawings and specifications submitted under ref: 16/02999/CONDIT dated 23/05/17 of the works (including the adaptations to the ceilings and floors between the residential and non-domestic uses) for sounds insulation against airborne noise to meet D'nT,w + Ctr of not less than 55dB shall be retained permanently in accordance with the approved details.

**Reason:** In the interests of residential amenity and to comply with Policy 7.15 of the London Plan.

- 3** At any time the combined plant noise rating level shall not exceed the measured typical background L90 level at any noise sensitive location. For the purposes of this condition the rating and background levels shall be calculated fully in accordance with the methodology bs 4142:2014. Furthermore, at any time the measured or calculated absolute plant noise level shall not exceed 10dB below the typical background noise level (LA90 15 minute) in this location.

**Reason:** In the interests of residential amenity and to comply with Policy 7.15 of the London Plan.

- 4** The detailed plans of the appearance of and the equipment comprising a ventilation system, including measures to alleviate fumes and odours (and incorporating activated carbon filters where necessary) submitted to and approved by the LPA under ref: 16/02999/CONDIT shall be implemented in accordance with the approved details before the use hereby permitted first commences and shall thereafter be permanently retained in an efficient working manner.

**Reason:** In order to comply with Policies S9 and ER9 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 5** The use shall not operate before 9am or after 11:30pm on any day of the week.

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

- 6** The premises shall be used for a takeaway and for no other purpose (including any other purpose in Class A5 of the schedule to the Town and Country Planning (Use Classes) Order 1987 or in any provision equivalent



**to that Class in any statutory instrument revoking and reacting that Order with or without modification).**

**Reason: In order to comply with Policies S5 and S9 of the Unitary Development Plan and in order to protect neighbouring amenity and the character and appearance of the area.**

- 7 The home delivery service shall only be undertaken by bicycle and in accordance with the details set out within this application and no form of motorised vehicle including cars, motorcycles or mopeds shall be used at any time.**

**Reason: In order to comply with Policies BE1, T18 and S9 of the Unitary Development Plan and in the interest of the amenities of nearby residential properties and highway safety.**

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**Application:**17/05934/RECON

**Address:** 76 College Road Bromley BR1 3PE

**Proposal:** Removal of Condition 8 of Planning Permission 16/02999/FULL1 for the Change of use from a Cafe to hot food takeaway (Use Class A5) together with a new shopfront and installation of ventilation ducting to the rear in order to allow a delivery service by push bike only



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/00644/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 62 Manor Way, Petts Wood, Orpington  
BR5 1NW

**OS Grid Ref:** E: 544550 N: 168218

**Applicant :** Mr & Mrs Rons

**Objections :** YES

### **Description of Development:**

Loft conversion incorporating rear dormer, front and rear roof lights and barn hip roof extension.

### **Key designations:**

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 4

### **Proposal**

The proposal involves a partial gable extension which would extend the existing ridgeline by 1.2m to incorporate a rear dormer which would have a width of 3.4m and would have a crown pitched roof which would have a height of between 2.2m and 3.3m. The dormer would incorporate a Juliet balcony to the rear.

Two front rooflights and one side and one rear rooflights are also proposed.

### **Location and Key Constraints**

The property is located on the south eastern side of Manor Way in Petts Wood. The property is semi-detached and is in an Area of Special Residential Character (ASRC).

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

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

Local Groups - Petts Wood & District Residents' Association (PWDR)

- Property is in the Petts Wood Area of Special Residential Character as such any development has to respect that designation

- Article 4 Direction is now in place which removed permitted development rights from any alteration to the front roof slope, this has been omitted from the planning statement
- Improvement over previous application for a lawful development certificate
- Bedroom 4 is lit by large window to rear and faces south-west
- Therefore, need to have additional light source on the front elevation is questioned

## Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

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

### London Plan Policies

7.4 Local character

7.6 Architecture

## Unitary Development Plan

H8 Residential extensions  
H10 Areas of Special Residential Character  
BE1 Design of new development

## Draft Local Plan

6 Residential Extensions  
37 General Design of Development  
44 Areas of Special Residential Character

## Supplementary Planning Guidance

SPG1 - General Design Principles  
SPG2 - Residential Design Guidance

## **Planning History**

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

Application Number	Description	Decision
16/03140/PLUD	Loft conversion with gable extension, rear dormer and rooflights	REFUSED

The certificate was refused for the following reason:

The proposed development is not permitted by virtue of Classes B 1(b) of Part 1 (Schedule 2) of the Town and Country Planning (General Permitted Development (England)) Order 2015.

17/04955/PLUD - Loft conversion to habitable accommodation with gable extension, rear dormer and front rooflight. - PERMITTED

However, the proposal has not been implemented and an Article 4 Direction is now in place (since the 11th January 2018) which prevents development to front roofslopes. Therefore, this proposal is now no longer considered permitted development.

## **Considerations**

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

- Design and impact on the Area of Special Residential Character
- Neighbouring amenity
- CIL

## Design and Impact on the Area of Special Residential Character

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

Policy H8 states the design and layout of proposals for the alteration or enlargement of residential properties should have a scale and form that respects or compliments the host dwelling and be compatible with development in the surrounding area. It is further stated within the written submission that dormer extensions into prominent roof slopes and extensions above the existing ridgeline, will not normally be permitted.

Policy H10 stated that proposal within an ASRC will be required to respect and complement the established and distinctive character of the individual area. The proposed loft conversion would include a partial hip to gable extension, rear dormer and front, side and rear rooflights. The property forms one half of a pair of semi-detached houses. The adjoining semi at No. 60 does not benefit from a loft conversion and therefore has retained its original hipped roof form. However, the proposed partial gable extension would not appear significantly bulkier than that of the neighbouring property, having a projection of only 0.8m from the existing hipped roof incline and would match the existing pitched roof profile. Therefore, the proposal is not considered to result in any significant harm with regards to unbalancing the appearance of the pair of semi-detached houses. Furthermore, there are other examples of within the wider street and the proposal would not result in any significant harm to the Area of Special Residential Character or the streetscene in general.

The dormer would be located within the rear roofslope and would not be highly visible from the streetscene. Additionally, the proposed dormer would incorporate a crown pitched roof and would not extend for the full width of the roofslope, it would be well set back from the flank wall and from the eaves (by 1.1m) and stepped down from the ridge (by 0.7m). Therefore, the proposed dormer would not dominate the rear roof slope or have a detrimental impact on the visual amenities of the Area of Special Residential Character, particularly given its siting to the rear of the property.

The proposed would involve two front and one side rooflights (a rear rooflight is also proposed however it would have limited visibility from the public realm), these would be a conservation type to minimise the impact on the appearance of the roof form and they would protrude by a maximum of 150mm from the roofslope. It is not considered that the rooflights would have a significantly harmful impact on the character of the dwelling or have any seriously detrimental impact on the character of the ASRC.



The Agent in their planning statement makes reference to a previous lawful development certificate (granted under ref. 17/04955) and states that the current proposal would be a higher quality design. However, the proposal has not been implemented and an Article 4 Direction is now in place (since the 11th January 2018) which prevents development to front roof slopes. Therefore, this proposal is now no longer considered permitted development and would not constitute a fall-back position for granting the development.

Having regard to the form, scale, siting and proposed materials, it is considered that the proposed extension(s) would complement the host property and would not appear out of character with surrounding development or the ASRC generally.

### Neighbouring amenity

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

The proposal is not considered to result in any significant harm to the amenities of neighbouring properties with regards to loss of light or outlook. The flank rooflight included within the partial hip to gable extension would serve the stairwell and would be obscure glazed and the rear dormer windows are not considered to result in any significant increased opportunities for overlooking above that which already exists from the first floor windows.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

Subject to the imposition conditions regarding the use and retention of obscure glazing to the flank rooflight, it is not considered that an unacceptable loss of privacy to neighbouring dwellings would arise.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

### **Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the ASRC.

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

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

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

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

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

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

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

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

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

**Application:**18/00644/FULL6

**Address:** 62 Manor Way Petts Wood Orpington BR5 1NW

**Proposal:** Loft conversion incorporating rear dormer, front and rear roof lights and barn hip roof extension.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/00815/FULL6

**Ward:**  
Petts Wood And Knoll

**Address :** 33 Birchwood Road, Petts Wood,  
Orpington BR5 1NX

**OS Grid Ref:** E: 545026 N: 168129

**Applicant :** Mr And Mrs Andrew And Sharon Wedge **Objections :** YES

### **Description of Development:**

Single storey rear extension incorporating replacement balcony and extended patio and loft conversion with side and rear dormers and front and side rooflights.

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 4

### **Proposal**

It is proposed to add a single storey rear extension which would incorporate a replacement balcony and extended patio, along with roof extensions comprising side and rear dormers and front and side rooflights.

The proposed single storey rear extension would project 2.8-3.3m to the rear and would be set back 3.2m from the western flank boundary with No.35. It would infill the area adjacent to the extension two storey rear extension at the property.

The existing catslide roof to the western side of the dwelling currently has a side dormer window, and it is proposed to add a second dormer adjacent to it that would be of the same size and design. It is also proposed to add a rear dormer extension, three rooflights to the front roof slope and one to the eastern and western roof slopes in order to provide accommodation within the roof space

### **Location and Key Constraints**

This detached two storey dwelling is located on the southern side of Birchwood Road, and lies within Petts Wood Area of Special Residential Character. The surrounding area is generally characterised by large detached dwellings set within spacious plots.

The dwelling currently has a rear first floor balcony with access from a bedroom, and a two storey rear extension to its eastern side.

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

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

### **Objections**

- The catslide roof and additional dormer window should not come any closer to No.35 than at present
- The side dormer should be obscure glazed
- Possible overlooking of neighbouring gardens from rear balcony.

### **Local Groups (Petts Wood & District Residents' Association)**

- The front roof lights require permission as a result of the Article 4 Direction
- The front rooflights should be re-located to a less visible elevation in order to preserve the original front roof slope.

The application has been called into committee by a Ward Councillor.

## **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration.

The weight attached to the draft policies increases as the Local Plan process advances.

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

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

#### London Plan Policies

7.4 Local character

7.6 Architecture

#### Unitary Development Plan

H8 Residential extensions

H10 Areas of Special Residential Character

BE1 Design of new development

#### Draft Local Plan

6 Residential Extensions

37 General Design of Development

44 Areas of Special Residential Character

#### Supplementary Planning Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

### **Planning History**

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

Permission was refused in December 2017 (ref.17/04713) for a two storey rear extension, a first floor side extension and a single storey rear extension with balcony over and extended patio on the following grounds:

- 1 The proposed first floor side extension would not appear subservient to the host dwelling, and its size, bulk and close proximity to the side boundary of the site would result in a cramped form of development that would have a detrimental impact on the character and spatial standards of Petts Wood ASRC, thereby contrary to Policies H8, H9 H10 and BE1 of the Unitary Development Plan and draft Policies 6, 8, 37 and 44 of the emerging Local Plan.
- 2 The proposed first floor/two storey side/rear extension would, by reason of its size, bulk and close proximity to the boundary with No.35 Birchwood

Road, result in a significant loss of light to and outlook from this property, detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan and draft Policy 37 of the emerging Local Plan.

## **Considerations**

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

- Resubmission
- Design and Impact on Petts Wood Area of Special Residential Character
- Neighbouring amenity
- CIL

### Resubmission

The proposals have been revised since the 2017 refusal by replacing the first floor side extension with a side dormer, and changing the two storey rear extension to a single storey rear extension.

A rear dormer extension and front and side rooflights are now proposed in the current scheme.

### Design and Impact on Petts Wood Area of Special Residential Character

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

This property is located within an Area of Special Residential Character which is characterised by large detached dwellings with good separations provided to the side boundaries. The dwelling currently has a catslide roof on its western side with a small side dormer window, and the introduction of an additional side dormer in this roof slope would appear considerably less bulky in the street scene than the first floor side extension previously proposed in the refused scheme. Furthermore, the Council's side space policy would not now be contravened, and the revised proposals would satisfactorily overcome the first ground for refusal.

The proposals also include three rooflights in the front roof slope which would serve a bedroom and dressing room at second floor level. Permission is required for the rooflights by virtue of a recent Article 4 Direction which covers Petts Wood Area of Special Residential Character and removes "permitted development" rights for alterations or additions to a front roof slope.



There are a number of examples of front rooflights in the road, including at Nos.16, 19 and 22, and in particular, No.16 has a similar arrangement of three front rooflights which was permitted in 2008. The proposals would not therefore detract from the appearance of the dwelling, nor appear out of character with Petts Wood Area of Special Residential Character.

### Neighbouring amenity

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

The proposed side dormer in the western roof slope would be obscure glazed and would not result in overlooking of the adjacent property at No.35. The proposed single storey rear extension would project 3.3m to the rear, set back 3.2m from the western flank boundary with No.35, and would not result in undue loss of light or outlook from the neighbouring property. The second ground for refusal of the 2017 scheme would therefore be overcome.

The proposed rear balcony would replace an existing balcony, and would be largely screened from the adjacent properties by the existing two storey rear extension to the east, and the proposed single storey rear extension with pitched roof to the west.

Subject to the imposition of a condition regarding the use and retention of obscure glazing to the proposed side dormer window, it is not considered that an unacceptable loss of light, privacy or prospect to neighbouring dwellings would arise.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

### **Conclusion**

Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and spatial standards of Petts Wood ASRC.

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

**as amended by documents received on 09.04.2018**

**RECOMMENDATION: PERMISSION**

**Subject to the following conditions:**

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

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

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

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

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

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

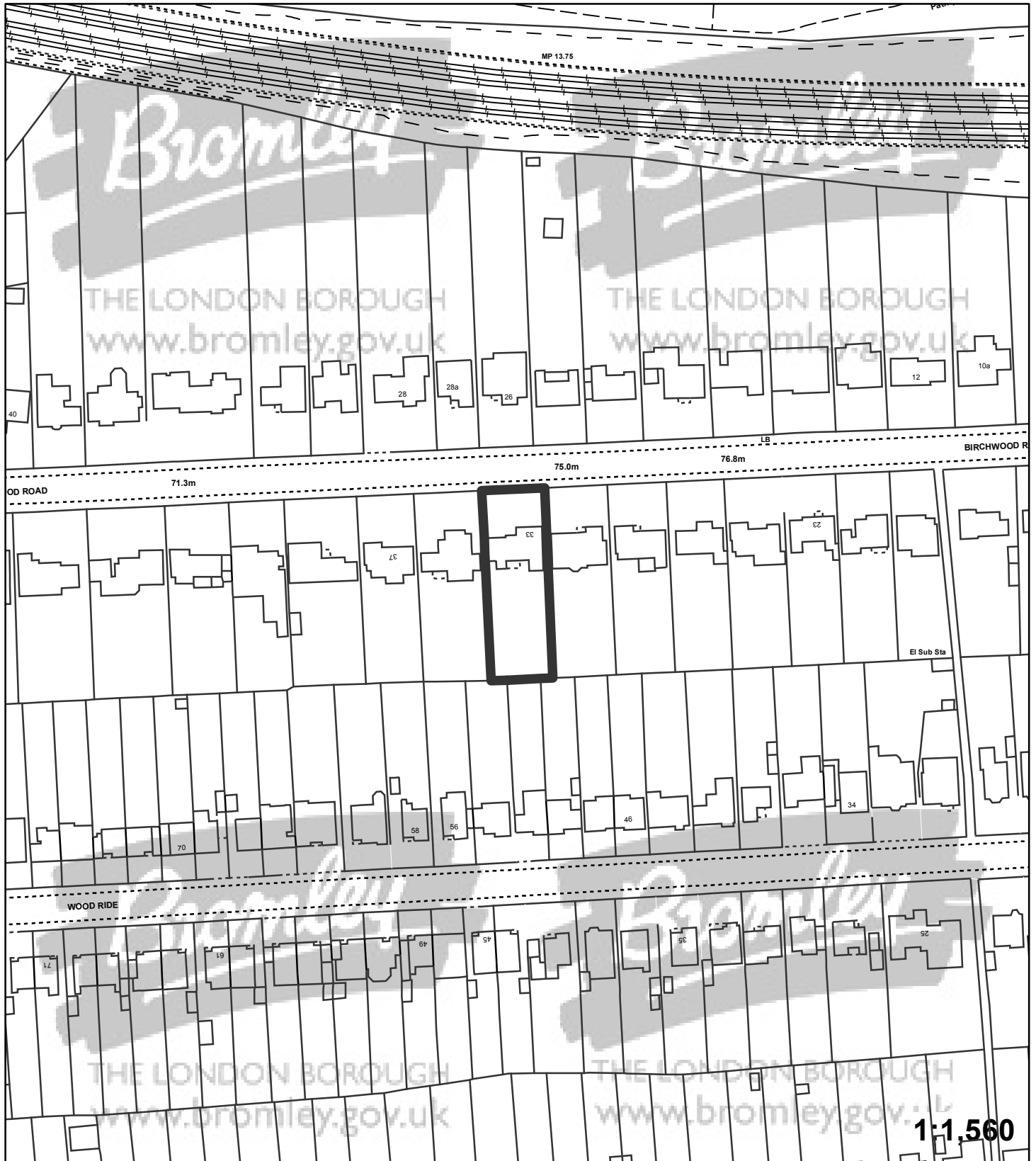
- 4** Before the development hereby permitted is first occupied, the proposed dormer window in the western flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the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

**REASON:** In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan.

**Application:**18/00815/FULL6

**Address:** 33 Birchwood Road Petts Wood Orpington BR5 1NX

**Proposal:** Single storey rear extension incorporating replacement balcony and extended patio and loft conversion with side and rear dormers and front and side rooflights.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/01113/RECON

**Ward:**  
**Chislehurst**

**Address :** Ridgeview, Southill Road, Chislehurst  
BR7 5EE

**OS Grid Ref:** E: 542510 N: 170422

**Applicant :** Mr Daniel Lindner

**Objections :** YES

### **Description of Development:**

Variation of Condition 3 of permission ref. 14/03055 granted for two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations to allow increase in parapet height and elevational alterations.

Key designations:

Conservation Area: Chislehurst

Smoke Control SCA 10

### **Proposal**

Approval is sought for the variation of Condition 3 pursuant to permission ref. 14/03055 in order to amend the design of the proposed extended dwelling.

The revisions sought relate to the parapet wall at the single storey front and two storey rear sections of the house. The front single storey parapet will be raised by 0.4m and the two storey rear parapet raised by 0.2m. Elevational alterations are also proposed and the amendments are summarised as follows:

- Parapet wall height increased to achieve required ceiling height & clean contemporary finish with no gutters visible externally.
- Window to guest bedroom on ground floor raised off floor to accommodate interior design layout.
- Recess of single storey element under front left gable overhang to achieve a technically simple solution as well as providing hidden area for electric & gas meters as to not impact the front visual.
- Minor amendments to fenestration arrangement to satisfy building control/ egress windows & internal layouts.

All other aspects of the dwelling's design would remain as permitted under ref. 14/03055.

### **Location and Key Constraints**

The application site consists of a two storey detached dwelling house with detached garage at front. The site is within the Chislehurst Conservation Area.

The area is characterised by large detached dwellings of varying architectural styles.

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

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

Objections:

- The increase in the height of the parapet wall on the boundary with Eldridge and The Coach House is not insignificant when considered in the context of the substantial height and bulk of the extensions allowed by the Inspector. The permitted extension already has an overbearing impact on the patio area of Eldridge and this will be exacerbated if the current proposal is approved.
- There is insufficient evidence to support the proposed variation. Approval of the proposed variation without sufficient evidence to support it will undermine the Inspectorate's authority and set an unwelcome precedent for other developments that the Council considers inappropriate but which are granted on appeal.
- Looking at the development so far it looks too dominant and large in its own plot and in its position with relation to the houses either side of it. The height of these walls, which can already be seen on the Eldridge side and, though not yet up to height on the Coach House side, (though you can see its position, which is extremely close to the boundary fence and therefore must be very intrusive to the Coach House) is excessive. Privacy to both neighbours and reduction of light, especially to Eldridge, must be greatly reduced should this retrospective planning be permitted.
- Development has commenced and permission sought retrospectively, thereby creating a dangerous precedent.
- Whilst I realise that it is inevitable that alterations arise between the planning and building stages of any building work, the height of the walls is not one of these. If the walls are higher than in the plans, it can only mean that the builders are incompetent or that there has been a deliberate attempt to coerce the planning department. Neither incompetence nor deviousness should be encouraged by retrospective permission being granted.
- The proposed plans are misleading in that the overall height of the building has been increased and the proposed parapet increases will exceed the heights outlined on the submitted plans.

## **Comments from Consultees**

Conservation Officer: On the basis that the slight raising of the parapet is quite minor I take the view that this is acceptable in terms of the CA and there would be no adverse impact

The Advisory Panel for Conservation Areas (APCA) did not inspect the application.

## **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination In Public which commenced on 4<sup>th</sup> December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

#### London Plan (2016)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology

#### Unitary Development Plan

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

#### Draft Local Plan

- 6 Residential Extensions
- 37 Design of New Development
- 41 Conservation Areas

## Additional Guidance

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

Supplementary Planning Guidance for the Chislehurst Conservation Area.

## **Planning History**

Planning permission was refused under ref. 13/04176 for a two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations. The refusal grounds were as follows:

‘The proposed first floor rear extension would be overdominant and would be detrimental to the amenities that the occupiers of Eldridge might reasonably expect to be able continue to enjoy by reason of visual impact and loss of light and prospect in view of its size, bulk and depth of rearward projection, contrary to Policy BE1 of the Unitary Development Plan.’

The application was subsequently dismissed on appeal.

Planning permission was refused under ref. 14/03055 for two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations. The refusal grounds were as follows:

‘The proposed first floor rear extension would be over dominant and would be detrimental to the amenities that the occupiers of Eldridge might reasonably expect to be able continue to enjoy by reason of visual impact and loss of light and prospect in view of its size, bulk and depth of rearward projection, contrary to Policy BE1 of the Unitary Development Plan.’

The application was subsequently allowed on appeal.

## **Considerations**

The main issues relating to the application are as follows:

- Resubmission
- Conservation Area
- Residential amenity

## Resubmission

The revisions sought relate to the front and rear parapets walls along with elevational alterations, fenestration changes and the building out of a small recessed area.

## Conservation Area

Policy BE11 of the Unitary Development Plan requires new development to enhance and preserve the character and appearance of Conservation Areas. New development will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; and respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic



value of the area. This policy is consistent with and reflected within Policy 41 of the Draft Local Plan.

The Supplementary Planning Guidance for the Chislehurst Conservation Area states:

‘4.24 Any extensions or additions should reflect the forms, materials, textures and finishes of the host building, along with the design philosophies underlying its style. These vary between individual buildings in this Conservation Area, and will need to respond to the specific building. The proportions, positioning and integration of an addition relative to the host building are important and deserving of significant design effort to safeguard not only the building's contribution to the public realm, but its enduring value to the owner. It should not be so large as to dominate or compete in visual terms with the host building.’

Following the refusal under ref. 13/04176, which established that the sole concern was the impact on Eldridge, the proposal allowed on appeal under ref. 14/03055 reduced the scale of the two storey rear extension by reducing the first floor projection from 3.2m to 1.9m and by significantly reducing the roof height from 6.7m to 5.9m. The result was an extension that would be significantly smaller and this was granted permission. The Inspector concluded that *“the two-storey element of the scheme before me is somewhat smaller than that considered by the previous Inspector, the appellant having sought to address the identified concerns by reducing both its depth and height. It would in terms of its depth result in additional mass and scale along the boundary with Eldridge. However the scale of impact would not be significant, and any additional harm would be off-set by the reduction in height of the two-storey element along the boundary over the existing taller pitched roof.”*

The main amendment proposed is the increase in the height of the front and rear parapet walls of the development by 0.4m and 0.2m respectively. This adds a small amount of bulk to the building, however the overall design and proportions remain similar to the original consent. It is not therefore considered that the design changes the external appearance of the building to a degree that would compromise or harm the character of the Conservation Area.

The elevational alterations are considered to be minor and the change to the recessed wall would not create additional bulk.

The proposed elevational alterations to the building are considered to preserve the character and appearance of this part of the Chislehurst Conservation Area and would therefore comply with Policy BE11 of the Unitary Development Plan and Policy 41 of the Draft Local Plan.

#### Impact on Neighbouring Properties

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

The proposal will create additional bulk by adding a small additional height to the parapets of the single storey front and two storey rear elements of the dwelling. The additional height will have some additional impact visually when viewed from both neighbouring properties, however this is considered to be minimal. The garage addition will be sited close to Coach House but also to the north of it, thereby loss of light will not be significant. The increase in height of the two storey rear addition will be sited in close

proximity to the boundary adjacent to Eldridge however the extension will not project significantly to the rear of Eldridge and therefore the additional height will not create a harmful degree of overshadowing or visual harm.

### Sustainability

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

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

### CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has not completed the relevant form.

### **Conclusion**

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 of the Conservation Area.

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

### **RECOMMENDATION      APPROVAL**

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

- 1      The external materials used shall be as set out under ref. 17/03055/CONDIT and shall be permanently retained as such unless otherwise agreed in writing by the Local Planning Authority.**

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

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

**Reason: In order to comply with Policy BE1 of the UDP and in the interests of visual and residential amenity.**

- 3** The proposed window(s) in the first floor flank elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

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

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

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

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**Application:**18/01113/RECON

**Address:** Ridgeview Southhill Road Chislehurst BR7 5EE

**Proposal:** Variation of Condition 3 of permission ref. 14/03055 granted for two storey front and first floor front and part one/two storey front/side/rear extensions to include existing garage and elevational alterations to allow increase in parapet height and elevational alterations.



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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## **Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 18/01386/FULL6

**Ward:**  
**Bickley**

**Address :** 2 Baylis Place, Bickley, Bromley  
BR1 2GB

**OS Grid Ref:** E: 542043 N: 169007

**Applicant :** Paul Baylis

**Objections :** YES

### **Description of Development:**

Side extension with roof accommodation over

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 12  
Smoke Control SCA 13

### **Proposal**

Planning permission is sought for the construction of a part one/two storey side extension to the host dwelling. The extension would incorporate a hipped roof over which would align with the ridgeline of the original dwelling and would be a continuation of the front and rear roof slopes.

At ground floor level it is proposed to provide a front facing window with a stone surround to match the main dwelling. The south eastern flank elevation would include a set of French doors. At the rear a window serving a proposed utility room would be provided. At the rear, the extension would include a pitched roof over the single storey part of the extension which would align with the existing rear projection at ground floor.

2 no. rooflights are proposed to be provided in the deeply sloping flank roof which slopes down from the main ridge height to an eaves height on the flank elevation of approx. 2.6m.

### **Location and Key Constraints**

The application site lies at the rear of No. 17 Bickley Road. An access road runs between Nos. 17 and 19 to serve the dwelling and its neighbouring property, No. 1 Baylis Place, each of which have been constructed within rear severance sites. Nos. 17 and 19 are Grade II Listed buildings. No. 17 was the stables for No. 19, which is a substantial Edwardian-style house.

The host dwelling is of modest scale, with limited first floor accommodation lit from the front by inset dormers. The dwelling occupies an unusually shaped site and lies at a slight angle to the access drive. The site backs onto Nos. 11 and 12 Heath Park Drive. The boundary with No. 11 is tapering, with space to the boundary generally increasing towards the rear of the flank elevation and a pinch point towards the centre of the flank elevation.

The host dwelling incorporates a flat roofed single storey garage which lies immediately adjacent to the boundary with the adjacent dwelling at Wessex Place.

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

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

#### Objections

- Concern regarding the impact of the proposal on the outlook and privacy of No. 17 – and regarding the impact of the existing dwelling.
- Impact of the proposal on the character and appearance of the area – disproportionate development.

#### Consultees

Highways: The proposal would increase the size of the property from 3 to 4 bedrooms.

The application site is located in a gated private road where the PTAL rating is 2 (low) and where car ownership could be expected to be associated with occupiers of the property. The Council's parking standards require a minimum of 1.5 parking spaces.

The existing garage/drive can readily accommodate 3 to 4 cars.

There are no objections to these proposals from the highway point of view.

### **Policy Context**

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.



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

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to an Examination in Public which commenced on 4th December 2017 and the Inspector's report is awaited. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

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

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

#### London Plan Policies

- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology

#### Unitary Development Plan

- H8 Residential extensions
- H9 Side space
- BE1 Design of new development
- BE8 Statutory listed buildings

#### Draft Local Plan

- 6 Residential Extensions
- 8 Side Space
- 37 General Design of Development
- 38 Statutory Listed Buildings

#### Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

## Planning History

The application site has an extensive planning history, relating in the most part to multiple applications over a period of several years for the construction of the host dwelling.

06/01831/FULL1 Planning permission refused for the erection of a detached dwellinghouse at the rear of No. 17 Bickley Road. Appeal dismissed.

07/01464/FULL1 Planning permission refused for the erection of a three bedroom detached dwellinghouse with detached single garage. Appeal dismissed.

08/01582/FULL1 Planning permission granted at appeal for the erection of a detached two storey three bedroom dwellinghouse with 2 car parking spaces.

08/03245/FULL1 Planning permission granted at appeal for the erection of a detached two storey 3 bedroom dwellinghouse with 2 car parking spaces.

09/03259/FULL1 Planning permission granted for revisions of the scheme granted planning permission under 08/03245 to include an increase in width and depth of the dwelling and changes to the design. The increased width related to the elevation positioned towards the boundary with No. 15 Bickley Road.

12/00618/FULL1 Planning permission granted for the retention of the detached two storey dwelling as constructed, without the discharge of conditions. Application was submitted to regularise the failure to discharge necessary conditions as well as the construction of a shed. Works associated with the construction of an attached garage had commenced but were stopped, to be the subject of a separate planning application.

17/02183/ELUD Lawful Development Certificate for existing single storey attached garage granted, on the basis that on the balance of probabilities the single storey garage was constructed more than 4 years before the submission, and was therefore lawful.

## Considerations

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

- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

### Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is

important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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

Policy BE1 of the UDP states inter alia that development should be imaginative and attractive to look at, complementing the scale, form, layout and materials of adjacent buildings and areas. With regards to development of two or more storeys Policy H9 of the Unitary Development Plan states that normally a minimum of 1m side space will be required to be retained in such circumstances to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents, as well as to prevent a cramped appearance and unrelated terracing from occurring. Policy H8 of the UDP states at H8(ii) that space or gaps between buildings should be respected or maintained where these contribute to the character of the area.

With regards to design, the NPPF at paragraph 58 states that developments should "respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation." It is stated that innovation, originality and initiative should not be stifled, while noting that it is proper to seek to promote or reinforce local distinctiveness (paragraph 60). Adopted SPG2 paragraph 2.2 states inter alia that extensions should respect the composition of the host building and that care should be taken to retain the architectural integrity of the host building. Very large extensions which overwhelm their host buildings are unlikely to be acceptable.

The proposed extension would be set over two storeys, with a narrower first floor element positioned above the wider ground floor element which is noted to be set in close proximity to the flank boundary of the site. The other flank elevation, to the north western side of the dwelling, immediately abuts the boundary at ground floor level. It is acknowledged that the existing separation between the dwelling and the irregular boundary with the rear of No. 11 Heath Park Drive is not consistent, and that the separation between the proposed extension and the boundary would not be uniform. However, the orientation of the dwelling in relation to the boundary, the secluded backland position of the dwelling and the limited extent to which that boundary is appreciable mitigates the impact of the lack of side space provided to the south eastern side of the dwelling.

The visual impact of the development is increased by the lack of subservience to the host dwelling, with the elongation of the ridgeline blurring the visual distinction between the original dwelling and the extension. However, the modest width of the extension and the continuation of the existing roof profile results in a development that does not appear excessively bulky or disproportionate in the context of the host dwelling and neighbouring buildings. On balance, while the development results in the dwelling occupying almost the full width of the site, the particular setting of the development relative to surrounding buildings limits the impact of the proposal on the character and visual amenities of the area to an acceptable degree.

The planning history of the site is noted, with the gradual reduction in the scale and extent of development to reach the point where the development was acceptable in visual amenity terms providing background to the current scheme. In allowing the appeal under reference 08/01582 the Inspector considered that the plot size would be adequate for the size of house proposed and that "sufficient space would be maintained around the building to avoid a cramped appearance." These comments are noted. Taking into account the single storey nature of the development adjacent to either flank boundary and the existing landscaping buffer and the generous separation to the building at No. 1 Baylis Place it is not considered that strong grounds exist from a visual amenity perspective to warrant the refusal of planning permission in this specific instance.

### Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

### Impact on Listed Buildings and their setting

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

As a consequence of the siting of the dwelling and the extent of the existing house it is not considered that the proposed development would be harmful to the setting of the adjacent listed building.

### Neighbouring amenity

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

It is noted that representations have been received expressing concern at the visual impact of the existing and proposed extended dwelling on the outlook from the frontage building at No.17, as well as impact on privacy. It is not considered that the proposed extension would have a significant impact on the amenities of the neighbouring dwelling taking into account the back-to-back separation between

the properties, the screening afforded by the existing boundary planting and the lack of additional front facing first floor windows in the application proposal.

Having regard to the scale, siting, separation distance, and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

### CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application.

### **Conclusion**

Having had regard to the above it is considered that the proposal would not have a significant impact on visual and residential amenity and that the separation between the dwelling and the frontage listed building would limit the impact of the proposed side extension on the setting of that dwelling.

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

### **RECOMMENDATION: PERMISSION**

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

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

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

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

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

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

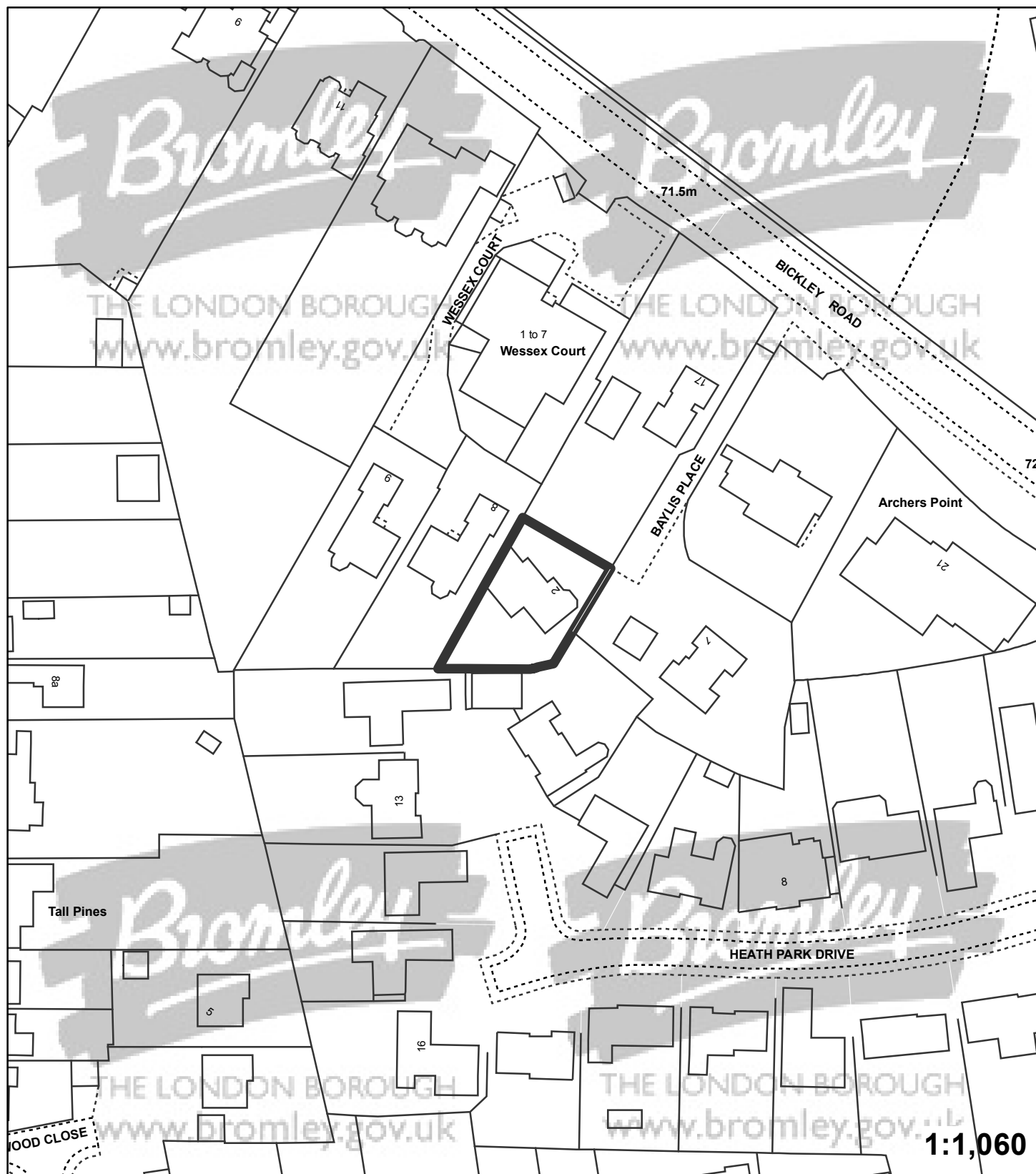
**REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**

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**Application:**18/01386/FULL6

**Address:** 2 Baylis Place Bickley Bromley BR1 2GB

**Proposal:** Side extension with roof accommodation over



"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"

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**Application No:** 18/01258/TPO

**Ward:** Shortlands

**Address:** 61 Wickham Way, Beckenham  
BR3 2AH

**OS Grid Ref:** E: 538286 N: 168028

**Applicant:** Mrs Walters

**Objections:** YES

## **Description of Development:**

Fell two Oak trees in rear garden.  
SUBJECT TO TPO 2222 (T1 & T2)

## **Proposal**

The application has been made on behalf of the neighbouring property owner at 2 Styles Way. The neighbouring property is comprised of a detached bungalow located on the south side of Styles Way. The dwelling was constructed in 1904 and was reduced from two storeys to one in the mid-1950s. An infill and other additions were constructed in 1980. The property is situated in the local conservation area and is therefore subject to sensitive planning restrictions which include tree protection.

## **Location**

The application site is comprised of a detached dwelling located on the east side of Wickham Way. The site is subject to the conservation area legislation and has two oak trees near the rear boundary subject to Tree Preservation Order (TPO) 2222.

## **Consultations**

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

- The oak trees do not appear to be near enough to the house in question to cause any problem with subsidence. Also these trees have been there for many, many years and it would be a great and unnecessary loss to the environment to fell them.
- Tree removal will be detrimental to the green aspect of this area. A mature oak as part of this line was removed in 2015 on the submission of false information by the tree surgeon. This application must be scrutinized in detail not to allow this to occur again. From Styles Way, these trees seem to be at least 30m from the property indicating roots should have a negligible effect. There is an oak at No. 59 Wickham Way which is closer to the property than the above two. Considering the soil to be identical, there seems to be no issues with this tree. Tree Preservation Orders are meant to protect trees and there are not sufficient grounds to remove these two trees.

- The evidence of subsidence at No 2 Styles Way is no doubt correct, but I would like the Borough Council to carry out their own thorough investigation and be absolutely certain that the trees in question are the cause of the subsidence before any permission is given for their felling. As the engineering appraisal report from Cunningham Lindsey comments - "The foundations of the property have been built as a relatively shallow depth onto highly shrinkable clay subsoil." As I understand it, this was, unfortunately, common practice at the time the property was built. In the light of this, would the removal of the oaks solve the subsidence problem; or could it still persist due to the construction of the house with shallow foundations? As you are aware, the Park Langley Residents Association is opposed to any destruction of our ancient and green heritage in the estate without absolute certainty that this is necessary. I would ask the council to carry out its own survey to substantiate the current facts and assess the suggested solutions to the problem.
- The soil is susceptible to movement as a result of changes in volume of the clay with variations in moisture content. Analysis of the site investigation results indicates that the soil appears to have been affected by shrinkage following the dry summer of 2016. Investigating yearly rainfall data at Heathrow (closest station) from the Met Office Historical Data shows 2016 was normal for rainfall and not particularly dry.

## Considerations

Officers made a site visit to both the application site and the neighbouring property subject to the subsidence claim on 13<sup>th</sup> April 2018. The oak trees (T1/T2) subject to the application were surveyed. T1 is 15m from the neighbouring dwelling at 2 Styles Way and T2 is situated at a distance of 18.7m. T1 is 19m tall and T2 is 18m tall. Both trees are within the zone of influence of the neighbouring dwelling.

Both trees exhibit good canopy form and normal vitality. A wound was noted along the main stem of T1 at 1m from the ground, measuring approximately 1m across. The occlusion of the wound indicates a healthy response to the cavity. A bracket fungus identified as *Ganoderma spp* was noted at the base of T2 on the western aspect. The nature of the fungus causes selective delignification of the internal structure. The process can take a number of years to reach a point where the structural integrity is too weak for safe retention.

The proposed felling of the subject trees has been recommended by the insurance company and consulting arboriculturist acting on behalf of the owner of 2 Styles Way. The following supporting documents have been appended to the application:

- Engineering Appraisal Report
- Arboricultural Assessment Report
- Level Monitoring
- Root Identification
- Site Investigation Report, including soil analysis and foundation detail

Two trial pits were excavated adjacent to the rear projection of the dwelling. Trial Pit 1 revealed foundations to a depth of 1.2m with possible signs of past underpinning. Trial Pit 2 revealed foundations to a depth of 0.9m. Roots discovered within the pit have been identified as oak.

The estimated costs of repair range from £45,000 to £200,000 depending on whether the trees remain. A heave assessment indicates no risk of further subsidence should the trees be removed.

## **Conclusion**

The external damage to 2 Styles Way was not as visible as the internal damage. Officers witnessed internal cracking and displacement in all but one of the downstairs rooms and all but one of the upstairs rooms. The subsidence is clearly impacting internal door and window frames and the stair case in the centre of the dwelling.

The foundations are considerably shallower than what is required to withstand the influence of oak trees within the zone of influence. The required foundation depth has been calculated to be a minimum of 2m. Given the age of the property, the trees cannot be confirmed older than the property. The foundations may therefore not have taken surrounding vegetation into account as a design principle.

A monetary value has been applied to the trees adopting the CAVAT (Capital Asset Value for Amenity Trees) system. Trees T1 and T2 have been calculated a combined value of £58, 317.

Due to the value of the trees being less than the estimated cost of repairs, it would be unreasonable for the Council to further defend the retention of both subject trees. At this stage, it is recommended that T1 closer to the dwelling is removed and T2 is retained whilst further monitoring continues. A reduction of T2 is considered reasonable. A replacement tree will be conditioned and will take into account the soil type and water demand

In response to the objections received, the trees are both within the zone of influence. Damage is limited to the rear projection of the dwelling, extending inwards to the centre of the dwelling. Whilst the TPO is a constraint to the repairs, a balance must be drawn between preserving the natural environment and the land owners right to peaceful enjoyment of their property.

The soil analysis has been carried out by a reputable company and the results of which are sufficient to support the application. The Council have assessed the results of the investigation and visually inspected the areas of reference and surveyed both addresses.

## **EITHER OF THE FOLLOWING ARE RECOMMENDED:**

### **REFUSAL:**

Fell two Oak trees in rear garden.

### **REASON:**

**The proposed felling of both trees is considered an excessive measure to achieve stabilisation. It is considered reasonable to allow the removal of the closest tree and reduce the remaining tree, in the interests of alleviating the grounds of the application and retaining a protected tree. This will act as a mitigation action to reduce the influence on the soil. This element of the application conflicts with Policy NE7 of the Bromley Unitary Development Plan (adopted July 2006).**

## CONSENT (in part for):

Oak (T1) – Fell.

Oak (T2) – Reduce by 3m.

## CONDITIONS

### 1. B09 Tree consent – commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

**REASON: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities of the area.**

### 2. B06 Replacement Planting

A replacement Tulip Tree (*Liriodendron tulipifera*) of standard size, will be planted within 2m of oak tree (T1), in the planting season following the felling of the tree. If the replacement tree dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted. The planting season is typically October to March.

**REASON: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of the visual amenities of the area**

### 3. B07 Tree surgery

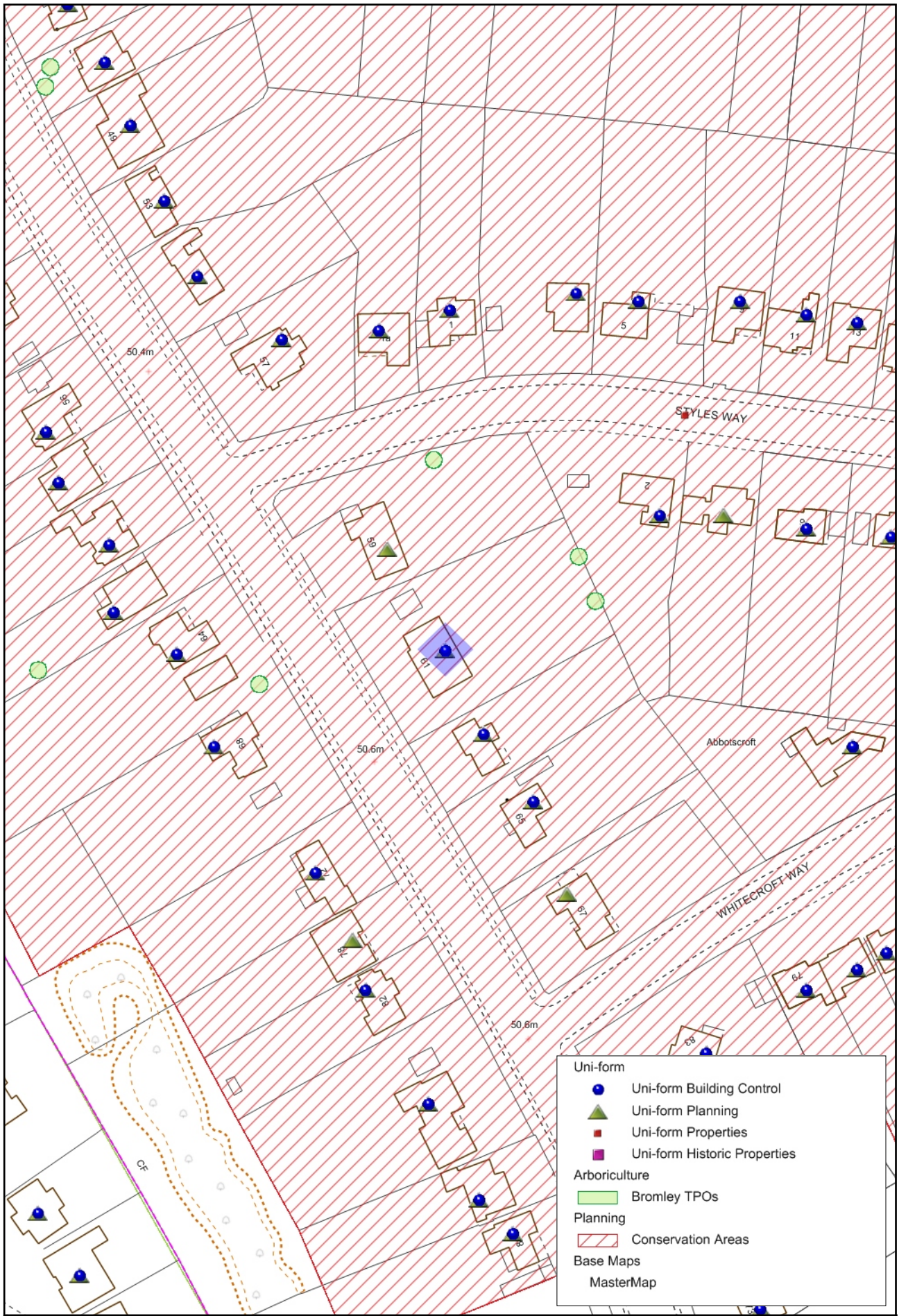
The work to the tree(s) hereby granted consent shall be carried out in accordance with British Standard 3998:2010 (Recommendations for Tree Work)

**REASON: In order to comply with Policy NE8 of the Unitary Development Plan and in the interest of good arboricultural practice and the visual amenities of the area.**

## INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and Ivy from protected trees.
2. It is recommended level monitoring be continued for a year after the permitted works takes place.







Uni-form	
	Uni-form Building Control
	Uni-form Planning
	Uni-form Properties
	Uni-form Historic Properties
Arboriculture	
	Bromley TPOs
Planning	
	Conservation Areas
Base Maps	
	MasterMap

**Planning Division**

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 **61 Wickham Way, Beckenham BR3 2AH**



Tuesday, May 08, 2018

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