



THE LONDON BOROUGH
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DATE: 20 December 2018

To: Members of the
PLANS SUB-COMMITTEE NO. 4

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Marina Ahmad, Gareth Allatt, Peter Dean, Kate Lymer, Robert Mcilveen,
Russell Mellor and Michael Turner

A meeting of the Plans Sub-Committee No. 4 will be held at Bromley Civic Centre on
THURSDAY 3 JANUARY 2019 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

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

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/>

A G E N D A

- 1 **APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS**
- 2 **DECLARATIONS OF INTEREST**
- 3 **CONFIRMATION OF MINUTES OF MEETING HELD ON 1 NOVEMBER 2018**
(Pages 1 - 22)
- 4 **PLANNING APPLICATIONS**

SECTION 1

(Applications submitted by the London Borough of Bromley)

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

SECTION 2

(Applications meriting special consideration)

Report No.	Ward	Page No.	Application Number and Address
4.1	Shortlands Conservation Area	23 - 30	(18/01258/TPO) - 61 Wickham Way, Beckenham, BR3 3AH
4.2	Hayes and Coney Hall	31 - 46	(18/04733/FULL1) - 41 Mounthurst Road, Hayes, Bromley, BR2 7PG

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.3	Chislehurst	47 - 56	(18/02987/FULL6) - Wengen, Elmstead Lane, Chislehurst, BR7 5EQ.
4.4	Cray Valley West	57 - 66	(18/3324/FULL6) - 78 Oakdene Road, Orpington, BR5 2AW
4.5	Bickley	67 - 74	(18/04049/FULL6) - 17 Highfield Road, Bickley, Bromley, BR1 2JN

4.6	Bromley Town	75 - 98	(18/04241/FULL1) - 10 Highland Road, Bromley, BR1 4AD
4.7	Chislehurst	99 - 102	(18/04255/TPO) - 5 Duggan Drive, Chislehurst, BR7 5EP
4.8	Bickley	103 - 120	(18/04267/FULL1) - Bickley Park School, 24 Page Heath Lane, Bickley, Bromley, BR1 2DS
4.9	Petts Wood and Knoll	121 - 128	(18/04361/FULL6) - 89 Crescent Drive, Petts Wood, Orpington, BR5 1BA
4.10	Cray Valley West	129 - 136	(18/04720/FULL6) - 18 Whitewebbs Way, Orpington BR5 2TJ

SECTION 4

(Applications recommended for refusal or disapproval of details)

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

5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

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

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PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held at 7.00 pm on 1 November 2018

Present:

Councillor Richard Scoates (Chairman)
Councillor Simon Fawthrop (Vice-Chairman)
Councillors Gareth Allatt, Peter Dean, Kate Lymer,
Robert Mcilveen, Russell Mellor and Michael Turner

16 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Marina Ahmad.

17 DECLARATIONS OF INTEREST

No declarations of interest were received.

18 CONFIRMATION OF MINUTES OF MEETING HELD ON 6 SEPTEMBER 2018

RESOLVED that the Minutes of the meeting held on 6 September 2018 be confirmed and signed as a correct record.

19 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

19.1 DARWIN

**(17/05809/FULL1) - Yonder Farm, Downe,
Orpington BR6 7JD**

Description of application – Removal of redundant equine building situated adjacent to the southern site boundary and the stationing of a log cabin for residential use (in alternative siting).

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

The Planning Officer reported the following:-

- The application had been amended by documents received on 23 October 2018.
- A statement had been received from the applicant in regard to the proposal being a profitable enterprise.
- Condition 4 relating to occupation of the cabin should be expanded to include the applicant and her partner/spouse.

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

1 The proposal constitutes inappropriate development in the Green Belt, causing harm to its openness and character such that is not clearly outweighed by any benefits of the development and therefore very special circumstances do not exist which would outweigh the harm by inappropriateness of the development and the proposal would as a consequence be contrary to Policy G1 of the Unitary Development Plan, Policy 49 of the draft Local Plan, Policy 7.16 of the London Plan and Section 13 of the National Planning Policy Framework.

**19.2
KELSEY AND EDEN PARK**

(18/02484/FULL1) - European Springs and Pressings Ltd, Chaffinch Business Park, Croydon Road, Beckenham BR3 4DW

Description of application – The construction of a new warehouse to the side of the existing building for storage (Class B8).

Correspondence from the applicant's consultants in objection to the Environment Agency's comments concerning flood risk, had been received and circulated to Members.

Members were advised that should they be minded to permit the application, it may be appropriate for conditions to be dealt with under delegated powers.

Members having considered the report, **RESOLVED that PERMISSION BE GRANTED with appropriate planning conditions to be agreed under delegated powers (to include a condition relating to permitted development/use).**

Members resolved to grant planning permission against officer recommendation. Members noted the objections raised by the Environment Agency but considered that the business benefits of the development would outweigh the potential impact of the proposal on the functional floodplain/Flood Zone 3, subject to suitable conditions/mitigations (to be agreed under delegated powers).

**19.3
PETTS WOOD AND KNOLL**

(18/03906/FULL6) - 148 Petts Wood Road, Petts Wood, Orpington BR5 1LF

Description of application – Single storey rear extension and garage conversion to habitable space.

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

6 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 change of use of any kind permitted by Class L (Houses of Multiple Occupation) of Part 3 of Schedule 2 of the 2015 Order (as amended), shall be undertaken within the curtilage of the dwelling without the prior approval in writing of the Local Planning Authority.

Reason: To enable the Council to consider future development at the site in the interest of local amenity, in accordance with Policies BE1 and H11 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 building, structure or alteration permitted by Classes A, B, C, D and E of Part 1 of Schedule 2 of the 2015 Order (as amended), 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: In the interest of the amenities of nearby residential properties and to prevent an overdevelopment of the site and to accord with policies BE1 and H8 of the Unitary Development Plan (2006).

SECTION 3

(Applications recommended for permission, approval or consent)

**19.4
CHISLEHURST
CONSERVATION AREA**

(18/01672/FULL1) - Willow Grove Works, 9 Willow Grove, Chislehurst BR7 5BN

Description of application – Demolition of the existing ground floor garage and erection of a two storey gymnasium (Class D2).

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

**19.5
PLAISTOW AND
SUNDRIDGE**

**(18/02740/FULL1) - 2 Avondale Road, Bromley
BR1 4EP**

Description of application – Conversion of existing dwelling to form two 4 bedroom dwellings (to include two storey side/rear extension, single storey rear extension and conversion of roof space to habitable space as permitted under ref: 16/01116/FULL6) and single storey detached outbuilding to rear.

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

It was reported that no objections to the application had been received from Highways Division.

Members were advised that any further conditions should include one relating to a Construction Management Plan.

Members were also advised that whilst permission for a two storey extension had been previously granted, the current application should be considered on its own merit.

Committee Member and Ward Member Councillor Turner objected to the application on the grounds that the proposal would cause major traffic congestion and parking issues. He also objected on the grounds that the proposal was an inappropriate over-development, out-of-character with adjacent buildings and would overlook neighbouring properties.

Councillor Fawthrop referred to the local knowledge of Ward Councillors as an important element to be relied upon during consideration of planning applications.

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

1 The proposal would result in an unacceptable over-intensification of the use of the site, would be lacking

in adequate off-street parking to meet the needs of the development, would be detrimental to the residential amenities of neighbouring properties and would be uncharacteristic of the prevailing pattern of development in the immediate locality, resulting from the formation of a terrace of dwellings, thereby contrary to Policies BE1, T3, H7 and H11 of the Unitary Development Plan, Policies 37, 30, 4 and 9 of the draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

**19.6
BROMLEY TOWN**

**(18/03478/FULL6) - 17 Cameron Road, Bromley
BR2 9AY**

Description of application – Proposed loft conversion with rear dormer, proposed single storey front elevation. Proposed first floor (existing) altered plus new dormer and bay to the first floor. Proposed garage conversion. Façade alterations to ground floor side elevation driveway increased in size.

Written representations from the applicant's agent were received and circulated to Members.

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

**19.7
BROMLEY COMMON AND
KESTON**

**(18/03491/FULL6) - Kenwood, 7 Beechwood Drive,
Keston BR2 6HN**

Description of application – Erection of a double storey rear extension and garden house. (Amended drawing – internal alteration).

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

**19.8
BROMLEY TOWN
CONSERVATION AREA**

**(18/03524/RECON) - 7 Beckenham Lane, Bromley
BR2 0DA**

Description of application – Minor material amendment under Section 73 of the Town and Country Planning Act 1990 to allow a variation of the planning permission 16/00722/FULL1 (Approved at Appeal) for demolition of existing building and construction of replacement two storey building with additional accommodation within roof space comprising 8 residential flats (4x2 bedroom and 4x1

bedroom), bin store, cycle store, 10 car parking spaces, alterations to existing vehicular/pedestrian access onto Beckenham Lane, front boundary and associated landscaping at Nos 7-9 Beckenham Lane to vary condition 2 (approved plans) to add second floor balconies to Flats 7 and 8 comprising increased rear dormer width and patio style access doors.

It was reported that further objections, similar to those already contained in the report, had been received.

Comments from Bromley Town Ward Members in objection to the application were reported at the meeting.

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

1 The proposal by reason of the siting and elevated position of the balconies would be detrimental to the residential amenities that occupiers of Pixfield Court might reasonably expect to continue to enjoy, giving rise to an unacceptable loss of privacy as well as noise and disturbance occasioned by their use, thereby contrary to Policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan and Policy 7.6 of the London Plan.

**19.9
HAYES AND CONEY HALL**

**(18/03709/FULL6) - 26 Mead Way, Hayes, Bromley
BR2 9EW**

Description of application – Part one/two storey rear and side extensions and loft conversion with rear and front dormers.

It was reported that objections previously received in regard to asbestos, loss of trees and parking had been included in the body of the current report.

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

**19.10
SHORTLANDS
CONSERVATION AREA**

**(18/0386/FULL6) - 112 Shortlands Road,
Shortlands, Bromley BR2 0JP**

Description of application – Two storey side extension incorporating Juliet balcony to first floor and single storey rear/side extension.

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 set out in the report of the Chief Planner.

**19.11
BICKLEY**

**(18/03909/FULL6) - The Coach House,
32B Southborough Road, Bickley, Bromley
BR1 2EB**

Description of application – A single storey front extension, part one/part two story rear extension, rear dormer extension, elevational alterations including replacement windows and associated external landscaping including new paving, planter and refuse storage and front brick walls with metal entrance gates max height 1.575m high.

Members were advised that if permission was granted, a further condition prohibiting the flat roof section being used as a balcony should be added.

Committee Member and Ward Member Councillor Lymer, delivered a statement in objection to the application. A full copy of the statement can be viewed as Annex A to these Minutes.

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

1 The proposal, by reason of its siting and design, would have a detrimental impact on the residential amenities of neighbouring dwellings, resulting in an adverse visual impact and loss of privacy to No. 7 Chadd Drive and loss of light, outlook and unacceptable visual impact to No. 32a Southborough Road, thereby contrary to policy BE1 of the Unitary Development Plan, Policy 37 of the draft Local Plan and Policy 7.6 of the London Plan.

**19.12
COPERS COPE**

**(18/03954/FULL1) - 57 Park Road, Beckenham
BR3 1QG**

Description of application – Demolition of existing dwelling and erection of a three storey four bedroom detached dwelling.

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

Members having considered the report, objections and representations, **RESOLVED that the application BE DEFERRED** without prejudice to any future consideration to seek a reduction in height, scale and mass.

Members requested that should permission be granted at a future meeting, an additional condition should be added to prevent change of use of the dwelling to an HMO without planning permission first being obtained.

**19.13
BICKLEY**

**(18/04025/RECON) - Applegarth, Chislehurst Road,
Chislehurst BR7 5LE**

Description of application – Minor material amendment under Section 73 of the Town and Country Planning Act 1990 to allow a variation of the planning permission 18/00425 granted for demolition of existing dwelling and erection of a detached two storey four bedroom house with accommodation in roof space and detached triple garage at front to allow increase in roof height, increase in massing and elevational alterations.

Further comments from the applicant's agent had been received and circulated to Members.

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

1 The proposal would have a detrimental impact on the residential amenities of neighbouring properties and would constitute an overdevelopment of the site, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 37 and 4 of the draft Local Plan and Policy 7.6 of the London Plan.

Members **FURTHER RESOLVED** that **ENFORCEMENT ACTION BE AUTHORISED** to investigate whether a breach in planning control had occurred.

**19.14
CHISLEHURST
CONSERVATION AREA**

**(18/04093/FULL6) - The Croft, Yester Park,
Chislehurst BR7 5DQ**

Description of application – Two storey side/rear extensions with single storey rear extension and loft conversion with rear dormers.

Comments from the Advisory Panel for Conservation Areas in objection to the application had been received and circulated to Members.

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

1 The proposal by reason of its height and siting would constitute an overdevelopment of the site, resulting in a loss of spatial gapping which is characteristic of the conservation area, thereby contrary to Policies BE1, BE11, H8 and H9 of the Unitary Development Plan, Policies 6, 8, 37 and 41 of the draft Local Plan, Policies 7.6 and 7.8 of the London Plan and supplementary Planning Guidance including the SPG for the Chislehurst Conservation Area (paras 4.14-4.17).

SECTION 4

(Applications recommended for refusal or disapproval of details)

**19.15
PETTS WOOD AND KNOLL**

**(18/03907/PLUD) - 148 Petts Wood Road, Petts
Wood, Orpington BR5 1LF**

Description of application – Part hip to gable loft conversion with rooflights to front and rear dormer with Juliet balcony. **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)**.

Committee Member and Ward Member Councillor Fawthrop referred to a similar application in Manor Way which had been dismissed at appeal. He also drew Members' attention to the description of the Petts Wood Area of Special Residential Character (ASRC). The appeal decision together with the ASRC description can be viewed as Annexes B and C to these Minutes.

Members having considered the report, **RESOLVED that A CERTIFICATE OF LAWFUL DEVELOPMENT BE REFUSED** as recommended, for the reason set out in the report of the Chief Planner.

The meeting ended at 8.20 pm

Chairman

COUNCILLOR LYMER'S COMMENTS RELATING TO ITEM 4.11 – THE COACH HOUSE, 32B SOUTHBOROUGH ROAD, BICKLEY, BROMLEY BR1 2EB

As you can see from Sheet 1 - the garden of 32b the Coach House is ridiculously small compared to the spatial standards in the general area. Number 7 Chadd Drive which backs on to it has a similar sized, although marginally larger back garden.

I have visited number 7 Chadd Drive and took a photo which is Sheet 2. Sheet 2 shows you a photo I took from one of the rear bedrooms. As you can see there is already significant overlooking from the square window and the velux/dormer window of the Coach House.

Sheet 3 shows you the proposed design. Sheet 3 show you that at the 1st floor level the rear window is being brought forward by 2.4m, and to make matters worse the new window will be twice as large as the current one.

This would result in the first floor rear of the house being moved to within just a handful of metres from their rear boundary, and the new much larger window will be closer to 7 Chadd Drive and have an even greater view into their home. The current window already looks directly into every room at the rear of their house - 2 bedrooms, their dining room and their kitchen. This new application would make this situation unacceptably worse.

Next door neighbour to the application 32A Southborough Road have also objected to the dormer window shown on Sheet 3 on the basis of loss of light. This window is also being brought forward.

If you look at Sheet 1 again, you can see that The Coach House is already significantly further forward at the rear than 32A. It is in fact 5m further back already than the rear wall of 32A. Therefore to build even further back to 7.4m will have both a negative visual impact on 32As small garden and also increase shadowing on their small garden and restrict their ability to use their conservatory. Currently 32A have a large 2 storey wall running alongside 50% of the garden, this application would mean they have a wall running alongside 80% of their rear garden.

It would also be out of character with the surrounding properties in that stretch of Southborough Road, in how far it would stretch back.

Interestingly 32A made a planning application a couple of years ago to extend the rear of their house. It was refused on grounds of proximity to properties behind it. The decision report said "To the rear of the site, the adjacent properties on Chadd Drive are in relatively close proximity to number 32A as the site has a shallow garden with a depth of less than 10m, and the gardens of these properties on Chadd Drive also have small gardens".

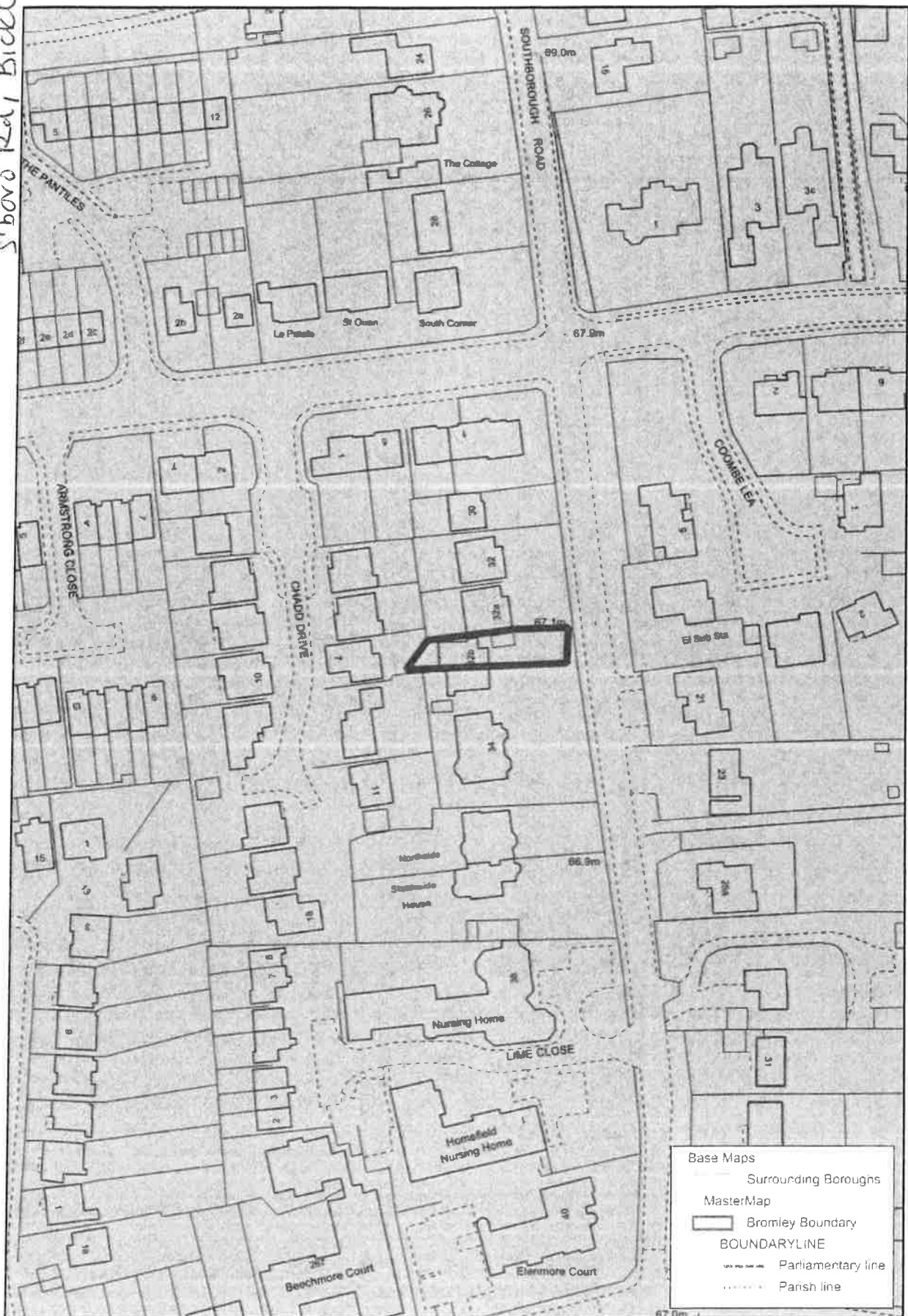
If we rejected that application on that basis, it is consistent that we do the same here. Therefore I propose refusal on the basis of policy BE1 Loss of privacy and amenity to 7 Chadd Drive, and Loss of Light and outlook to 32A Southborough Road.

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1

f.1.1

32b The Coach House, Siboro Rd, Bickley



18/03909/FULL6

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2015 Ordnance Survey 100017661

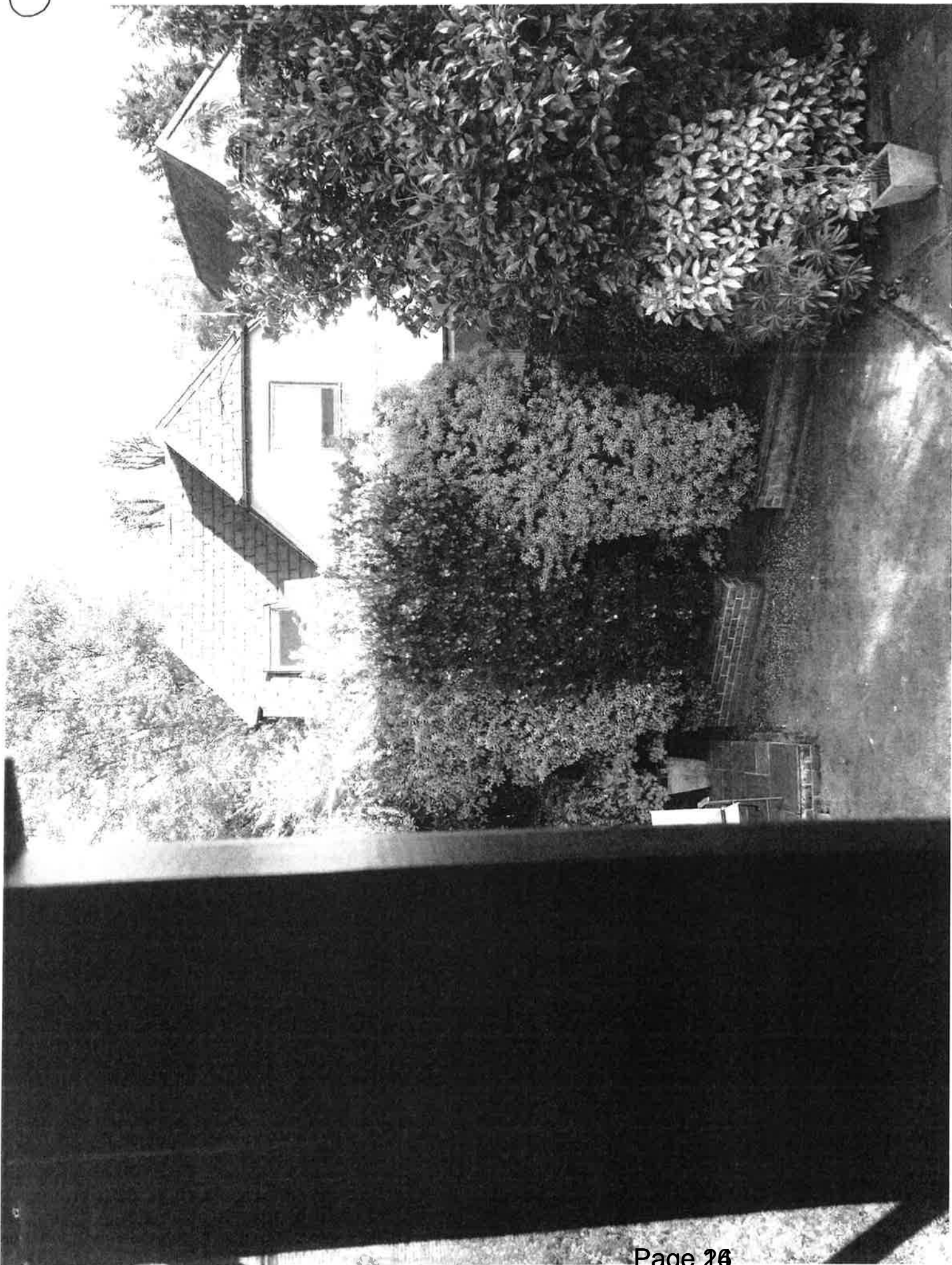
Monday, October 22,
2018

The Coach House

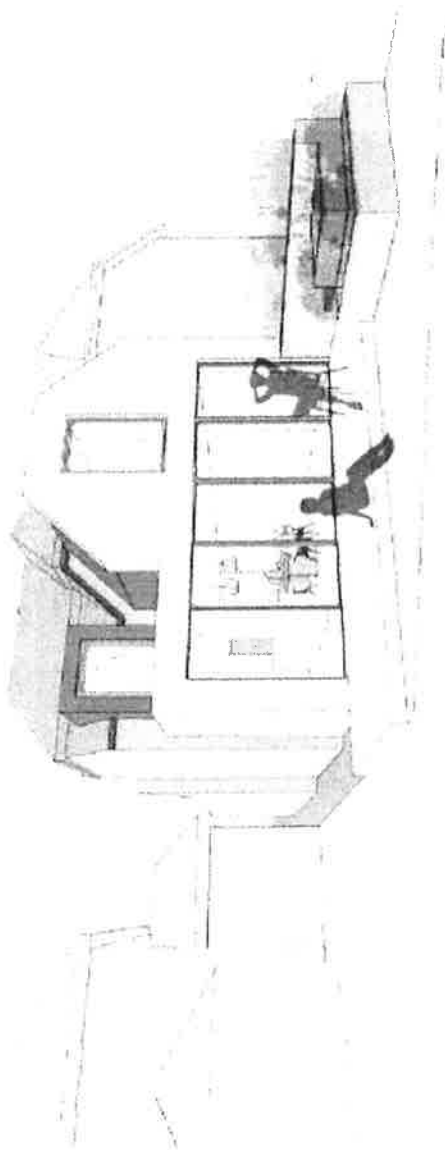
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0 10 20 30 40 50 metres

2



3



Above: Proposed view from rear

388 SOUTHBOROUGH ROAD DESIGN STATEMENT August 2018

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Appeal Decision

Site visit made on 16 August 2017

by Gloria McFarlane LLB(Hons) BA(Hons) Solicitor (Non-practising)

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2017

Appeal Ref: APP/G5180/X/17/3171854

62 Manor Way, Petts Wood, Orpington, BR5 1NW

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr & Mrs Rons against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/16/03140/PLUD, dated 30 June 2016, was refused by notice dated 31 August 2016.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990 as amended.
- The development for which a certificate of lawful use or development is sought is a loft conversion with rear dormer.

Summary of Decision: The appeal is dismissed.

Preliminary Matter

1. The proposal is described on the notice of refusal as 'loft conversion with gable extension, rear dormer and roof-lights'. This description includes the elements that make up the proposed development and I will take it into account in my determination of this appeal.

Main Issue

2. The main issue is whether the proposal is permitted development by virtue of Class B of Part 2 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (GPDO).

Reasons

3. The appeal property is a semi-detached two storey dwelling. The proposal comprises a gable extension, a rear dormer with a Juliette balcony and roof-lights in the front, side and rear roof slopes.
4. S.55 of the 1990 Act describes 'development' as the carrying out of building, engineering, mining or other operations in, on, over or under land and, subject to a number of specified exceptions, planning permission is required for the carrying out of any development of land¹. One of the specified exceptions is provided for by Article 3 of the GPDO pursuant to which planning permission is granted for the classes of development described as permitted development in Schedule 2.

¹ S.57 of the 1990 Act

5. Class B of Part 2 of Schedule 2 permits the enlargement of a dwellinghouse consisting of an addition or alteration to its roof subject to a number of specified tolerances, limitations and conditions. The only matter for consideration in this appeal is B.1(c) which states that development is not permitted if 'any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway'.
6. There is no dispute that the dwelling has two principal roof slopes² one of which is the existing smaller roof slope which serves the stairway and landing.
7. The Appellants have referred me to the Technical Guidance³ which states in relation to B.1(c) that its 'effect is that dormer windows as part of a loft conversion, or any other enlargement of the roof space, are not permitted **on** a principal elevation that fronts a highway' with their emphasis on the word 'on'. The Appellants contend that because none of the works proposed would be positioned on either of the principal roof slopes which front the highway and no additions would project beyond the front roof, the proposal would not offend B.1(c)⁴.
8. One of the aims of the Technical Guidance is to provide an explanation about the detailed rules covering what improvements can be made to a house as permitted development. The Technical Guidance is therefore guidance only and whilst it is relevant I have to determine the appeal on the basis of the GPDO. Although the proposed gable end extension would not be on either of the principal roof slopes it would be forward of the second principal roof slope⁵. The gable end extension would therefore be 'a part of the dwellinghouse extended as a result of the works' and the Appellants accept that it would extend beyond, that is, be forward of, the smaller of the two principal roof slopes. For this reason the proposed works would offend B.1(c) and thus would not be permitted development.
9. The Appellants refer to 'an almost identical loft conversion'⁶ in a nearby property that was granted a LDC⁷. I accept that that proposal was similar to the one in this appeal but I note that the Council has since conceded that that LDC was granted in error⁸. Whatever the outcome of that application, I have to determine this appeal on the basis of the application made by the Appellants and the terms of the GPDO.

Conclusions

10. For the reasons given above I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a loft conversion with rear dormer was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.

² Paragraph 5.4 of the Appellants' grounds of appeal

³ DCLG - Permitted Development for Householders

⁴ Paragraphs 5.6 and 5.7 of the Appellants' grounds of appeal

⁵ Paragraph 6.2 of the Appellants' grounds of appeal

⁶ Paragraph 1.2 of their grounds of appeal

⁷ Ref DC/16/02270/PULD

⁸ Appendix 3 to the Appellants' grounds of appeal

Decision

11. The appeal is dismissed

Gloria McFarlane

Inspector

ITEM 4.15 – PETTS WOOD AREA OF SPECIAL RESIDENTIAL CHARACTER DESCRIPTION

1.3 Petts Wood:

The original plans for Petts Wood date from the late 1920s and early 1930s. While Houses were built over a number of years, in a number of similar though varied styles, the road layout and plot sizes were established in an overall pattern. Today the layout remains largely intact. Within the overall area the Conservation Areas of the Chenies and Chislehurst Road already stand out.

The plots were originally designed on the garden suburb principle by developer Basil Scruby, with large plot sizes spaciouly placed. The characteristics of the Petts Wood ASRC include an open feel, predicated by low boundaries and visible front gardens, set back from the road; there is also spaciousness between the houses which is of a superior standard. This allows many of the trees and greenery which prevails throughout the area to be seen from the street scene giving the area its open and semi- rural feel in line with the garden suburb principle. This open and suburban aspect of the area underlines the special characteristic of the area. Development which erodes this principle will be resisted.

The separation between building and the rhythm and pattern of the houses adds to the special character. In many cases there is a much wider separation between houses than in other parts of the Borough which demands a higher degree of separation between buildings to maintain the special character, the openness and feel of the area. Where there are pairs of houses that complement the rhythm of the street scene there is also a prevailing symmetry between the houses. This symmetry can also be seen between neighbouring pairs. The plots are set out in such a way that the spacious character is one of a clear detached and semi-detached nature.

The front building and rear building lines are also of importance in defining the area. The buildings are of a 1930s design which adds to the character of the area. Whilst there have been some changes post war this design aspect of the area remains intact and future development should respect this characteristic. The front roof lines are also of a nature which enhances the characteristic of the area being largely untouched by roof extensions and conversions at the front.

The plot sizes and rear gardens are mostly of a size which is commensurate with the Garden Suburb principle and this characteristic also forms part of the amenity value which makes the area special.

When considering future development within the Petts Wood ASRC, the main focus will be on the impact of any proposed development on the ASRC, taking into account the design and spatial standards including the low density of existing development. Proposals which undermine the character, rhythm, symmetry and spatial standards of the area will be resisted unless very special circumstances can be demonstrated. Likewise new dwellings proposed on gardens and infill will also be strongly resisted unless very special circumstances can be demonstrated. In this context special is used in the dictionary sense to mean distinguished from others of the same category, because it is in some way superior or held in particular esteem. For a proposal to meet the very special circumstances test in this context would mean not only an enhancement to the ASRC but a consequence of not undertaking the proposal would undermine the Petts Wood ASRC or risk some form of harm to the ASRC.

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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.

Background

Further to the deferral of the application at the committee of 12th July 2018, a private investigation was instructed by the Council. The impartial assessment and review has been undertaken by Gristwood & Toms. The subsequent Arboricultural Report is appended to the case file and is now available for viewing via the Council website. In summary, the report concludes that the two oak trees subject of this application, on the balance of probabilities, have been the cause of building subsidence at No 2 Styles Way.

Two additional objections have been received and have been printed to file. The objections are summarised below, under the Consultation heading.

The application is now returning to committee to be determined.

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.
- The additional information in the Gristwood Arboricultural Report does not prove beyond reasonable doubt that the subject oak trees are the primary cause of subsidence. Attention is drawn to the root samples taken from Borehole 2 and that they tested negative for starch content. There is no information on removed trees and this leads to question whether the removal of trees has already caused heave and is responsible for the damage. It is possible that the trees removed may have had a more direct impact on the building.
- The Gristwood Report does not comment on alternative causes for the subsidence. Section 4.3 shows a chart indicating case percentages based on distance to property. It would be reasonable to expect some investigation of alternative causes of damage. Section 3.3 refers to foundations constructed of 700mm brick footing and 500mm of concrete. The Cunningham Lindsey Engineering Appraisal Report identified the foundations as being built at a relatively shallow depth. OCA Ltd report found the foundations in Trial Pit 1 to be 900mm and Trial Pit 2 to be 1200mm (with evidence of underpinning of 300mm). OCA Ltd's warranty by LABC states that the required foundation depth should be 2.28m. This indicates the primary cause of subsidence is the inadequate foundation depth. A request is made for the Council to exercise its duty of care

by challenging the claims in this application and retain the trees subject of the TPO.

- The main focus of the reports associated with this application seems to build a case against the two oak trees without consideration of other factors. The reports are clearly not impartial. The closest impartial comments refer to the inadequacy of foundations. Leaking drains are highlighted as a reason for subsidence to take place. The position of drains could consider this a major influencing factor. The design of drainage pipes at the time of the dwelling being constructed is commented on. The design would be considered susceptible to failure. No details are presented to confirm the extent of any damage.
- The question is raised whether other properties in the area have suffered from settlement problems.
- It would be of material importance to consider the alterations carried out to the property and the adequacy of underpinning.

Considerations

Officers made a site visit to both the application site and the neighbouring property subject to the subsidence claim on 13th 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. CAVAT provides a method for managing trees as public assets rather than liabilities. It is designed not only to be a strategic tool and aid to decision-making in relation to the tree stock as a whole, but also to be applicable to individual cases, where the value of a single tree needs to be expressed in monetary terms. CAVAT is recognised in the English court system, with various case examples available.

Trees T1 and T2 have been calculated a combined value of £58, 317.

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.

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. A replacement tree will be conditioned and will take into account the soil type and water demand.

The conclusions of the Arboricultural Report dated 22nd November 2018 echo the officer's initial recommendation and support permitting the proposed felling as a reasonable solution.

The additional points made in the objections received refer to other possible causes of subsidence taking place. The information supplied in support of the application is sufficient to conclude cyclical movement caused by seasonal soil shrinkage. This implicates the trees in the subsidence claim and the above conclusion would justify planning permission on balance.

Financial Implications

Attention is drawn to section 202E of the Town and Country Planning Act 1990. This allows the applicant to make a compensation claim in respect of a refused decision.

Members are informed that no budget has been allocated to the defence of a compensation claim, should the application be refused. A claim may include and is not restricted to any further damage from the date of the decision, costs incurred in respect further repairs, costs incurred in further monitoring and legal costs. The applicant's loss adjuster has indicated repair costs alone up to £200,000. This is expected to increase, depending on the scale of repairs required as the claim progresses.

Members are also informed of the officer costs involved in defending against a compensation claim.

RECOMMENDATION:

CONSENT:

Fell two Oak trees in rear garden.

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

Two replacement Tulip Trees (*Liriodendron tulipifera*) of standard size, will be planted within 2m of oak tree (T1 and T2 respectively), 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

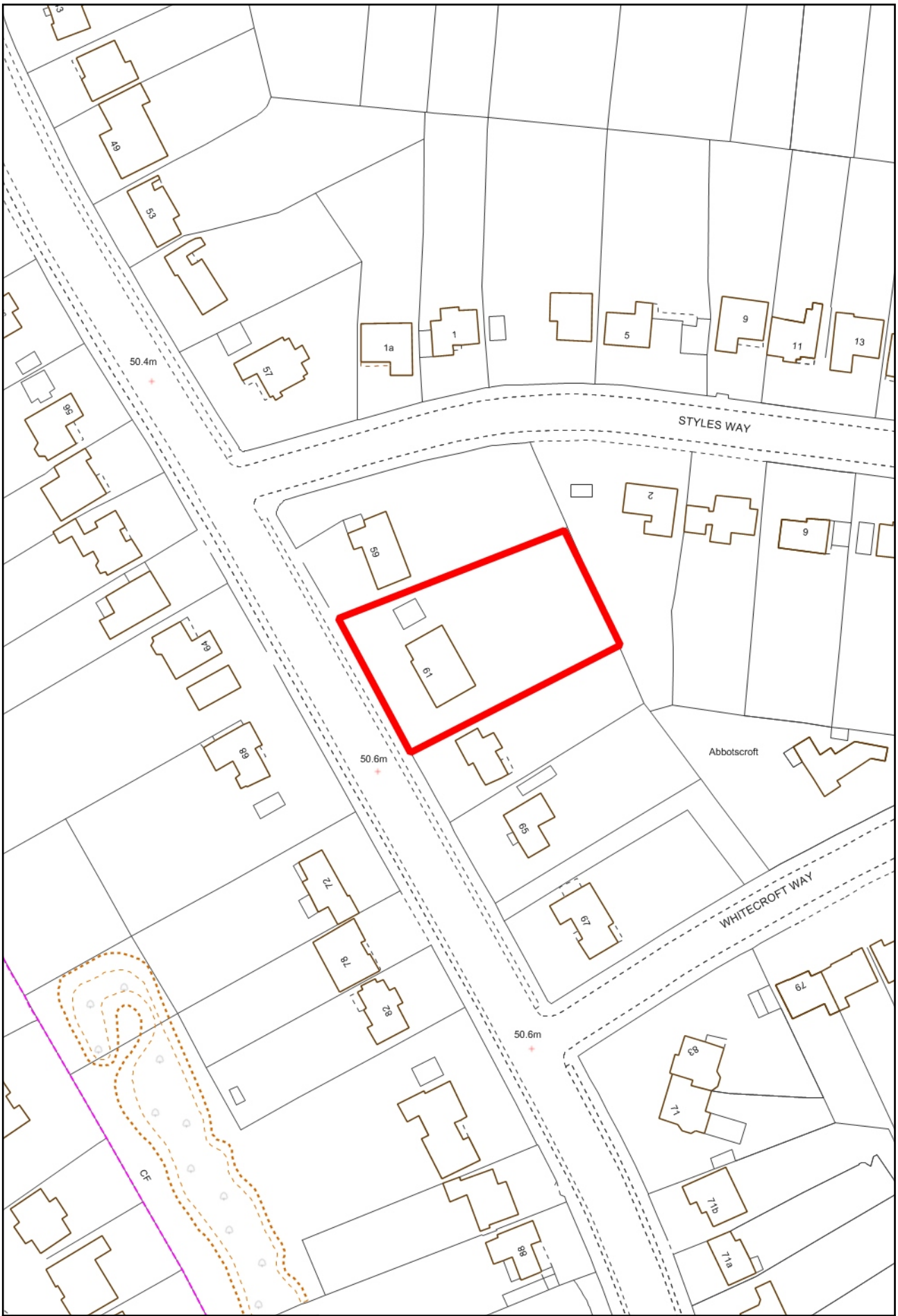
3. B07 Tree surgery

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.



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SECTION '2' – Applications meriting special consideration

Application No : 18/04733/FULL1

Ward:
Hayes And Coney Hall

Address : 41 Mounthurst Road Hayes Bromley
BR2 7PG

Objections: Yes

OS Grid Ref: E: 539845 N: 166743

Applicant : Mr Graham Burrows

Description of Development:

Proposed two bedroom house on land adjacent to 41 Mounthurst Road, Hayes, Bromley, Kent, BR2 7PG

Key designations:

Smoke Control SCA 51

Proposal

The application seeks consent for the construction of a detached house on land adjacent to 41 Mounthurst Road and associated parking to the front.

Location and Key Constraints

The application site forms the side garden land and garage area adjacent to Number 41 Mounthurst Road. The site is located closed to the junction with Boughton Avenue. The surrounding area is residential in character and comprises semi-detached and terrace properties.

Comments from Local Residents and Groups

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

- Main concern is the distance the house will project forward of Number 39. Drawings suggest 1.25m. This is further than any houses on the road and concern this will obstruct light reaching the property as it is north facing. Light travels around the house most of the day. Could this be brought in line with Number 39.
- All other elements are fine. The height, the 3.75m gap between side return and proposed build. Wouldn't want it built any further back as this would block light to side return window.

Comments from Consultees

Drainage Engineer: No comments received in respect of this application but the comments received in respect of the previous scheme are still considered relevant. No objections were raised to that scheme subject to surface water drainage conditions.

Highways: The site is located to the north of Mounthurst Road. Also the development is in an area with PTAL rate of 1b on a scale of 0 - 6b, where 6b is the most accessible.

Vehicular access- from Mounthurst Road via a modified vehicular crossover leading to car parking area; this is satisfactory.

Car parking- Three car parking spaces are indicated on the submitted plan; two for the donor and 1 for the proposed which is acceptable.

Cycle parking - London Plan should be adhered to; 2 secure spaces are required.

If mind to approve; please include the following with any permission:

CONDITION

OC03 (Car Parking)
AG11 (Cycle)
PC17 (Construction Management Plan)
AG24 (Highway Drainage)

Non Standard Condition- No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

INFORMATIVE

Nonstandard informative - Street furniture/ Statutory Undertaker's apparatus "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

Waste Services: 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. The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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.

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 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

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 7.15 Reducing and Managing Noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Policy 7.19 Biodiversity and Access to Nature

Policy 7.21 Trees and Woodlands

Policy 8.3 Community infrastructure levy

Unitary Development Plan

BE1 Design of New Development

BE7 Railings, Boundary Walls and Other Means of Enclosure
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
7 Trees and Development
T3 Parking
T7 Cyclists
T18 Road Safety

Emerging Local Plan

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side Space
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 73 Development and Trees
Policy 116 Sustainable Urban Drainage
Policy 119 Noise Pollution
Policy 123 Sustainable Design and Construction

Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (2015)

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

DCLG: Technical Housing Standards (2015)

Planning History

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

18/02599/FULL1 - The construction of a two-bedroom house on land adjacent to 41 Mounthurst Road with parking to the front. Refused for the following reasons:

1. The proposed development, as a consequence of its design, layout and restrictive size of the site, would result in a cramped form of development which would be out of keeping with the prevailing pattern of residential development and spatial characteristics of the locality, being discordant within the streetscene and unacceptably harmful to the character and appearance of the area. As such it would conflict with Policies H7, H9 and BE1 of the London Borough of Bromley Unitary Development Plan July 2006, Policies 3.5 and 7.4 of the London Plan March 2016; Policies 4, 8 & 37 of the Local Plan (Submission Version 2017) & Supplementary Planning Guidance No 1 General Design Principles, and Supplementary Planning Guidance No 2 Residential Design.

2. The proposed dwelling, by reason its inadequate unit size and small bedrooms would result a cramped and sub-standard form of accommodation harmful to the residential amenities of future occupiers contrary to Policy 3.5 of the London Plan (2016); Policies BE1 & H7 of the Unitary Development Plan (2006); Housing SPG; The Nationally Described Housing Standards (2015) and Policies 4 & 37 of the Emerging Local Plan (2017).

Considerations

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

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- CIL

Consideration should also be given to the previous reasons for refusal.

Principle

Policy H7 of the UDP sets out criteria to assess whether new housing developments is 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 situated within a residential location and the Council will consider new 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.

Therefore the principle of an additional dwelling is 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, traffic implications and refuses arrangements.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Policy BE1 and the Council's Supplementary design guidance seek to ensure that new development, are of a high quality design that respects the scale and form of the host dwelling and are compatible with surrounding development. This includes consideration of gaps between dwellings, when they contribute to the character of the area.

Policy H9 requires new residential development, including extensions to retain a 1m space from the side boundary for the full height and length of the flank wall of the development.

Bromley's Supplementary Planning Guidance No. 2 (Residential Design Guidance) also 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". Furthermore, the National Planning Policy Framework (NPPF) indicates that private gardens no longer fall within the definition of previously developed land. This strengthens the case for case for resisting development of residential gardens where it has adverse impacts on the character and appearance of the area.

The application site forms in part of the side garden land and garage area of the existing dwelling. The surrounding area is characterised by two-storey semi-detached and terraced dwellings.

The proposal would introduce a detached dwelling within the area of side garden land, between 39 and 41 Mounthurst Road. The design of the property has been amended since the previous refusal and no longer includes a prominent front gable. Its width would be similar to the Number 41 and the overall design would now be similar to ex-local authority properties at 41/43 Mounthurst Road. Similarly the height of the dwelling is comparable to adjoining development.

The overall size and shape of the plot is similar to the previous scheme; however the dwelling has been re-sited to provide a greater degree of separation with Number 39, which now measures 3.75m between the properties and 2.75m to the shared boundary. In addition the single storey side element adjoining number 41 has now been removed, thereby improving the spatial qualities surrounding the new building. In addition, due to the tapering nature of the plot the width between the new dwelling and Number 41 would be 3.6m at the front; narrowing to 2m at the rear. The property has been set slightly forward of number 41 (around 1.5m) but this would be similar to the line of Number 41, which sits at an angle due to its position on the corner. This rearrangement of the building has also increased the depth of the rear garden. Due to the location at the corner and similarities in design to Number 41 it is considered that the dwelling would now be read more in conjunction with this property rather than 39 and its small level of forward projection would not appear significantly incongruous within the streetscene.

The applicant has highlighted a detached dwelling at 32 Mounthurst Road there is a detached dwelling between two semi-detached properties and as such it would not appear totally out of character with the pattern of wider development.

Given the changes to the design of the dwelling and improvements in the layout to increase in spacing around the building it is considered the development would not appear as cramped as the previous refusal and as such is now considered to be on balance acceptable.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Technical 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.

The application proposes to construct a 2 three person bedroom dwelling. The double room would exceed 11.5sqm and the single room would measure 10sqm. Three persons is therefore considered to be a reasonable occupancy.

The minimum space standard for the proposed units is 70sqm and the dwelling would meet this standard.

All rooms would achieve a satisfactory level of light and outlook.

Amenity space is provided by way of private rear garden.

The revised proposal has therefore satisfactorily address previous objections surrounding standard of accommodation.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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 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.

Policy T18 of the UDP and Draft Policy 32 Road Safety states that the Council will consider as appropriate the potential impact on road safety and will seek to ensure road safety is not adversely affected.

The site has a PTAL of 1b and not it therefore considered to be very accessible.

The development would include parking for one vehicle to the front of the dwelling and a further two spaces would be provided for the host property. Access to the proposed area of parking for both the new dwelling and existing property would be via a modified vehicular crossover. The Council's highways officer has not objected to the access arrangements or the level of parking provision.

No details of refuse storage or cycle parking have been provided, but given the location of the dwelling it is considered that this could be provided within the curtilage and details could be secured via condition if the scheme were considered to be acceptable.

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 would be situated on land between the donor property at 41 Mounthurst Road and Number 39. The dwelling would represent a considerable mass within this space; however it is set back from the common boundary from Number 39 and would not project beyond its rear elevation. It would however project forward of Number 39 by around 1.5m, however this is not considered to be an excessive level of projection and the separation between the new dwelling and this neighbour would help mitigate any significant visual harm. This property only appears to have one small window within the side elevation and also appears to have been extended by way of a rear addition. It is not considered this arrangement would lead to overbearing form of development and whilst there may be some overshadowing during the morning hours, given the above arrangement it is not considered this is significant enough to warrant a refusal.

There is also an established degree of overlooking towards the rear of the site and onto neighbouring gardens from the existing arrangement of the buildings. The proposal would overlook the rearmost section of the garden at Number 43, however this is not considered to be materially greater than the established arrangement and there would no overlooking into neighbouring rear windows due to the oblique angle.

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 regard to the above, the development is considered to be acceptable and that the revisions to the design and layout have satisfactorily addressed previous objections. In addition it would now provide a suitable standard of accommodation and the impact on neighbouring residential amenities is considered to be acceptable.

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 of the 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 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.**

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

4 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies BE1, T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

5 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include 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.

(b) 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

6 (a) 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 prior to construction of any above ground works

(b) The arrangements as approved under part (a) 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 (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage

8 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 details as set out in this planning permission 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.

- 9 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 building, structure, extension, enlargement or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), 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: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

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

Reason: The interest of pedestrian and highway safety and in order to comply with Policy BE1 of the Unitary Development Plan (2006).

- 11 The development hereby permitted shall be built in accordance with the criteria set out in the Approved Document M Compliance Statement submitted with this application.

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.

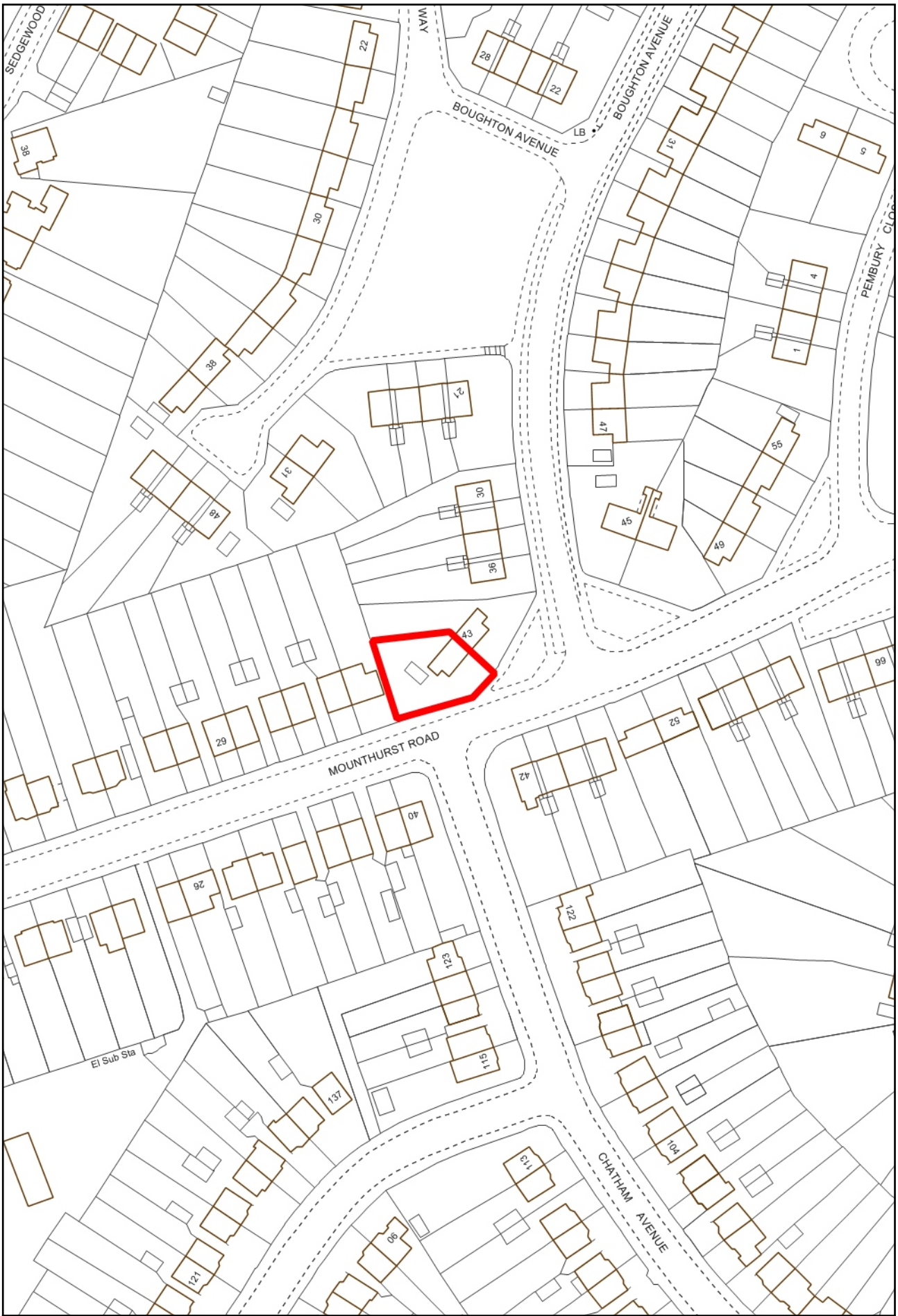
You are further informed that :

- 1 With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2

- 2 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

- 3 Street furniture/ Statutory Undertaker's apparatus "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**



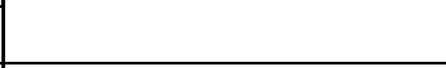
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18/04733/FULL1

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17, 2018

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

Application No : 18/02987/FULL6

Ward:
Chislehurst

Address : Wengen Elmstead Lane Chislehurst
BR7 5EQ

Objections: Yes

OS Grid Ref: E: 542443 N: 170989

Applicant : Mr A Mulock

Description of Development:

Increased height of single storey rear extension, new front porch and elevational alterations PART RETROSPECTIVE APPLICATION

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 10

Proposal

The application is part retrospective and the proposal involves amendments to a previous planning permission granted under ref. (17/02441) for a part one/ two storey front extension and single storey rear extension. The proposal involves the following amendments:

- Omission of the north east flank window within the single storey rear extension
- Increase in height of the flat roof of the single storey rear extension from 3.2m to 3.3m and increase in the height of the lantern rooflights from 3.8 to 4m
- Alterations to position and number of windows to the ground fenestration of the north east flank elevation
- A front pitched roof porch canopy is now proposed which would have a height of 3.6m, a forward projection of 1.1m and would have a width of 2.3m

As in the previously permitted scheme ref. 17/02441, the proposal involves the following, with amendments were necessary:

Roof alterations are proposed which would incorporate replacing the existing gable ended roof with a hipped roof and an increase in the main ridge height from 7.75m to 8m.

The proposal involves a two storey front extension which would square off the front elevation at ground floor and would have a width of 5.8m at first floor and would have a forward projection of 2.6m. This element would have a pitched roof which would be hipped and would have a maximum height of 7.8m.

To the southern side of the front elevation, a front dormer is proposed which would have a width of 3.8m and a pitched roof which would be hipped and would have a height of 4.5m, matching the extended ridge height of the main roof (8m in height)

A single storey rear extension is also proposed which would have a rearward projection of 4m, a width of 10.7m and it would be set back 1m from the north flank. The proposed rear extension would have a flat roof with a height of 3.3m and would incorporate two lantern rooflights with a maximum height of 4m.

Location and Key Constraints

The site hosts a detached dwelling which is situated on the western side of Elmstead Lane, not far from the junction with Walden Road. The site is not on any designated land.

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

- Variations that have not been noted in addition to our objections to the new changes proposed in the retrospective application.
- Breach of conditions set in 17/02441/FULL6. Drawings AY:99:518:EXG:01 should reflect the approval and conditions imposed under 17/02441/FULL6. The architect should be told to re-submit them properly. We notified LBB via email on 15th & 26th July yet remains online
- Condition stated that it should not be included in the construction and there is to be no window on this wall at any time in the future.
- Layout of doors and windows have changed on ground floor side elevation NE during construction but not highlighted on drawing
- Increased height of the rear single storey extension
- parapet wall on the ground floor extension in excess of the 3.2m
- critical importance to both 1 and 2 Walden End as this structure was already going to be a dominant feature.
- Overlooking from standing on roof looking in to kitchen and bedroom
- would have had to increase the height of the bedroom windows.

- would be most surprised if this was ever approved by you as we were told in September by the applicant that the windows would be put back "like for like" in terms of positioning and openings.
- Raised finished floor levels not highlighted on drawings
- There is now a large gap between the finished floor levels of the rear extension and the garden.
- Do not want to a raised platform built as it will clearly exceed 0.3m and will directly impact upon both of our private amenity space.
- garden is at a higher level than both Wengen and number 1 Walden End and I am directed impacted by this structure in terms of my private amenity space
- New rear extension showing large step down into garden
- Understand that the approved overall roof height is 8.5m taken from the existing approved plans.
- Long suspected that the roof was to be raised
- Why is new porch listed under a retrospective when it hasn't been built.
- the drawings lack in detail. Will it be enclosed with side opening windows outside of the building line
- On the Roof Plan. In the absence of any keys, what does the shaded area in the middle of the roof illustrate?
- Would like to conditions to be imposed regarding standard hours of operation of building works and that the site be secured overnight

Policy Context

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

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

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

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

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

Draft Local Plan

Draft Policy 37 - General Design of Development
Draft Policy 6 - Residential Extensions
Draft Policy 8 - Side Space
Draft Policy 32 - Road Safety
Draft Policy 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:

Planning permission was granted under ref. 89/03126 for formation of a pitched roof over front and rear dormer extension

Planning permission was refused under ref. 16/02905 for part one/two storey front and single storey rear extensions. The reason for refusal was as follows:

'1 The proposed rear extension, by reason of its depth of substantial rearward projection, height and proximity to the flank boundary of the site, would result in an overbearing visual impact and tunnelling effect on the rear ground floor window and outdoor amenity space of 1 Walden end Elmstead lane and would result in a overshadowing and a harmful loss of residential amenities to this neighbouring property, contrary to Policies BE1 and H8 of the Unitary Development Plan.'

Planning permission was granted under ref. 16/04213 for a part one/two storey front and single storey rear extensions.

Planning permission was granted under ref. 17/02441/FULL6 for a part one/ two storey front extension and single storey rear extension.

This application involved alterations to the previously granted proposal in 2016 and involved the following amendments:

- Increase in height of 0.25m of the main ridge height
- Increase in height of the first floor front dormer extension of 1m

Considerations

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

- Resubmission
- Design
- Neighbouring amenity
- Trees
- CIL

Resubmission

The application is part retrospective and the proposal involves amendments to a previous planning permission granted under ref. (17/02441) for a part one/ two storey front extension and single storey rear extension. The proposal involves the following amendments:

- Omission of the north east flank window within the single storey rear extension
- Increase in height of the flat roof of the single storey rear extension from 3.2m to 3.3m and increase in the height of the lantern rooflights from 3.8 to 4m
- Alterations to the position and number of windows to the ground fenestration of the north east flank elevation

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.

Policies H8 and BE1 and the Council's Supplementary Planning Guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. These policies are consistent with Draft Policies 6 and 37 of the Draft Local Plan.

The main impact on the character of the local area in this amended proposal would be the proposed porch canopy. The other amendments proposed to the flank fenestration and single storey rear extension would not be clearly visible from the public parts of the road.

The porch would be open to the sides and front with two pillars to the front and a pitched roof which would be hipped and would have a total height of 3.6m and would therefore be a modest addition to the host dwelling. Furthermore, in the local area, there are examples of front extensions and porches including the neighbouring property at Nos. 61 and 61B which are of a more significant size and a front porch at 1 Walden End. Therefore, it is considered that the proposed porch canopy would appear in context with the existing dwelling and would not appear out of character with the surrounding development.

Having regard to the form, scale, siting and proposed materials it is considered that the proposed extensions and alterations would complement the host property and would not appear out of character with surrounding development or the area 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.

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.

The proposed amendments from the permitted scheme ref. 17/02441 involve an increase in height of the single storey rear extension from 3.2m to 3.3m which is not a significant increase. The single storey rear extension would continue to have the same depth and separation from the boundary as the extension previously permitted. Therefore, it is not considered that the proposed increase in height would have a significant additional visual impact or loss of daylight or outlook than

the extension already permitted to an extent which would warrant the refusal of this application on this basis.

The alterations to the ground floor fenestration would result in an overall reduction in windows to this elevation, from four windows and a door to 1 one window and a door, and it is not considered that the changes to the position and size of the window would not result in any additional overlooking over the previous fenestration.

CIL

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.

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 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: 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 of the Town and Country Planning Act 1990

- 2 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.**

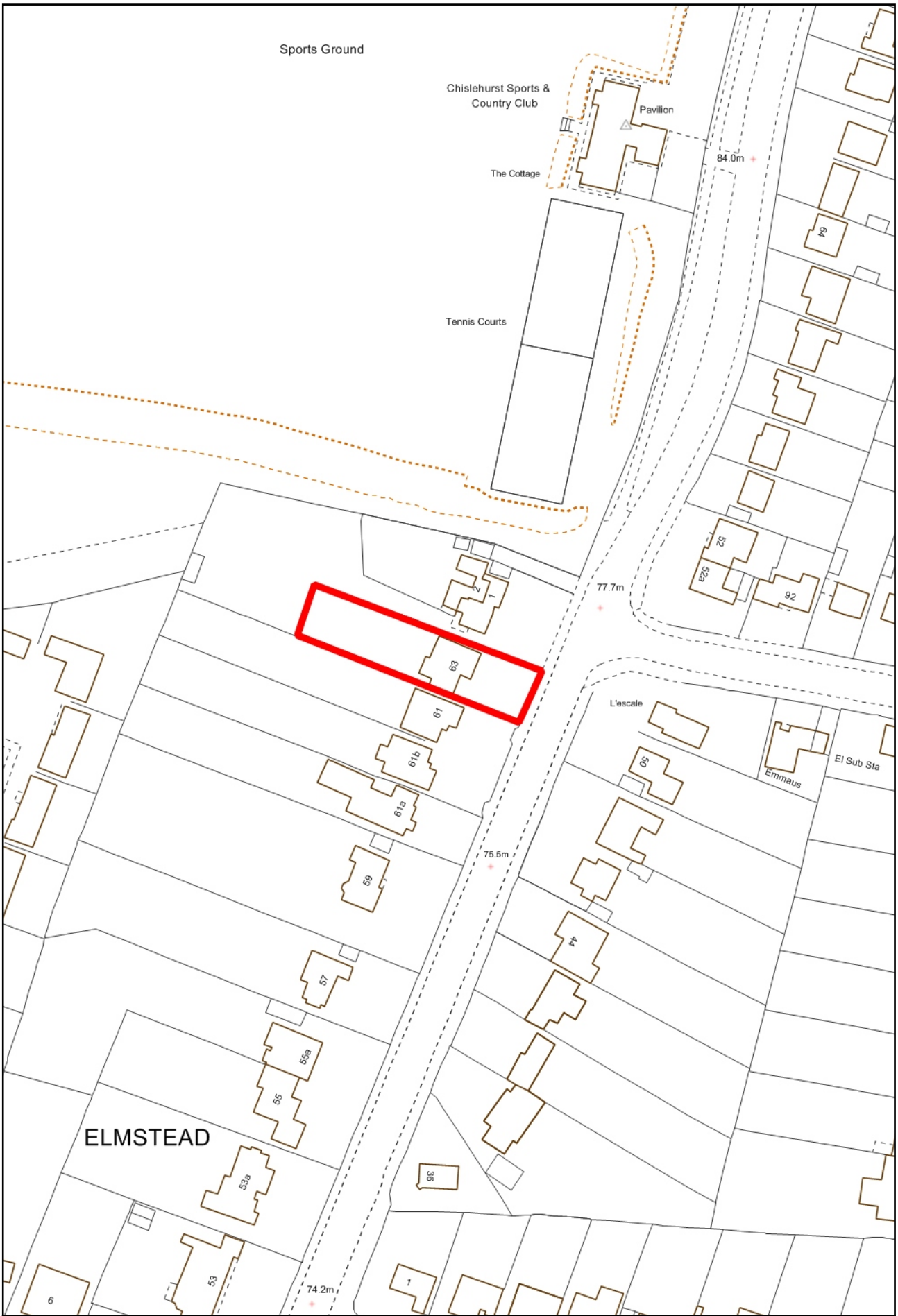
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 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 UDP and in the interests of visual and residential amenity.

4 Reason: 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.

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 Policy BE1 of the Unitary Development Plan.

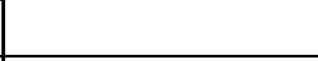


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Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 18/03324/FULL6

Ward:
Cray Valley West

Address : 78 Oakdene Road Orpington BR5 2AW **Objections:** Yes

OS Grid Ref: E: 546069 N: 167499

Applicant : Khalisur Rahman

Description of Development:

Part one/two storey rear/side extension and loft conversion with roof alterations to include rear dormer, and replacement fence to flank boundary.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 23

Proposal

The application seeks planning permission for the addition of a part one/two storey rear/side extension, loft conversion with roof alterations to include rear dormer, and replacement fence to flank boundary.

The application is a revision to the previously approved application 17/01423/FULL6 and follows a further application which was refused (18/01667/FULL6). The main alterations are outlined within the resubmission section below.

Location and Key Constraints

The application site is a two storey detached property located on the northern side of Oakdene Road.

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

- Loft extension constitutes a gross and over dominant addition to the main dwelling which will reduce spatial standards in this locality.
- Overdevelopment of the site.
- Unsatisfactory departure from existing visual qualities of the area.

- Out of character with the area.
- Revised plans have not taken into account the conclusions of the various historic planning inspectorate appeal decisions to date.
- Dormer / Juliet balconies will severely overlook neighbours (particularly garden / conservatory)

Revised plans were received on the 23rd November and neighbours were reconsulted. The following additional comments were received;

- o Do not have any objections to the minor alterations included on the latest amended plans.
- o Would reiterate our objections to the wider application as outlined in the previous letter.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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
H9 Side space
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development

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;

- 10/03358/FULL6 - Single storey rear extension - Permission
- 15/03613/FULL6 - Part one/two storey side/rear and single storey rear extensions - Refused
- 16/00199/FULL6 - Part one/two storey rear/side extensions. - Refused and dismissed on appeal.
- 16/04367/FULL6 - Part one/two storey rear/side extensions - Refused and dismissed on appeal
- 17/01422/FULL6 - Part one/two storey side/rear extension - Permitted 26.05.2017
- 17/01423/FULL6 - Part one/two storey side/rear extension - Permitted 26.05.2017
- 18/01667/FULL6 - Part one/two storey side/rear extension and loft conversion with roof alterations to include hip to gable, rear dormer and front rooflights. (Amendment to approved ref: 17/01423 to include a loft conversion with roof alterations consisting of a hip to gable, rear dormer and two front rooflights). - Refused 06.06.2018

Considerations

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

- Resubmission

- Design
- Highways
- Neighbouring amenity
- CIL

Resubmission

The application site has an extensive planning history, with this application a resubmission following the refusal of the most recent application ref: 18/01667/FULL6. The application was refused on the following ground;

1. *The proposed roof alterations would be detrimental to the visual appearance of the host dwelling, resulting in an incongruous and unsatisfactory addition to the streetscene, thereby contrary to Policies BE1 and H8 of the Unitary Development Plan and policies 6 and 37 of the Draft Local Plan.*

The refused application was itself a resubmission following the granting of permission for a part one/two storey side/rear extension under ref: 17/01423/FULL6.

The current application includes an increase in depth of the extensions from the previously approved application by 0.3m at first floor and approx. 0.6m at ground floor level. It would also result in the single storey outrigger element extending approx. 1.8m further to the rear than previously proposed (5.17m from the single storey rear extension).

The application has also reduced the roof alterations proposed within the previously refused application including the removal of the hip to gable element, though has included the addition of a rear dormer with a Juliet balcony in the rear roofslope.

The replacement of the boundary fence is also included within this application.

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.

Within the previously approved application ref:17/01423, it was considered that the retention of a hipped design to the roof of the extension to match the ridge and eaves height was acceptable given that it would not harm the appearance of the host dwelling or streetscene in general.

The previous application included a hip to gable extension and rear dormer which was considered to significantly increase the bulk of the roof, with the hip to gable design considered an incongruous addition to the area and harmful to the streetscene. The rear dormer projected the full height and width of the roof and was also considered excessive in its scale.

The current application has removed the hip to gable element, and significantly reduced the scale of the dormer so that it would sit within the rear roofslope of the hipped roof. The proposed dormer is not considered excessive in its scale and is not considered to harm the appearance of the host dwelling or streetscene in general.

The site has an extensive planning history, in which first floor rear extensions of 4m and above have previously been refused and dismissed on appeal due to the impact on No.76. The permitted application ref: 17/01422/FULL6 proposed a 4m rear first floor extension which was set in further from the boundary and considered acceptable, whilst a 3m first floor rear extension the full width of the dwelling was permitted under 17/01423/FULL6.

The current application seeks a first floor rear extension of 3.3m in depth for the full width of the property. The proposed extension would therefore project 0.3m further to the rear than the approved application 17/01423/FULL6, though it is not considered that this would result in the extension having a similar impact to the previously refused applications. On balance, it is considered that a first floor extension of 3.3m in depth would not result in such significant harm to light and outlook to No.76 that it would warrant a refusal of the application on these grounds.

The ground floor element would also be increased from the previous application by approx. 0.6m at ground floor level, and 1.8m to the outrigger element. The increased depth would add bulk to the property, though the 0.6m increase is not considered modest, whilst the outrigger element would be fairly narrow in its width. On balance, it is therefore considered the proposed enlargement of the single storey extensions would not be excessive or result in an overdevelopment of the site. A condition is however recommended to remove permitted development rights from the property to restrict any further development within the site in order to prevent an overdevelopment of the site.

Having regard to the 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 area 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.

With regards to the impact on No.76, concerns had been raised within previous applications by the Council and the Inspector with regards to the impact of the depth of the first floor rear element on the outlook of No.76. The approved application ref: 17/01423/FULL6 overcame these concerns, however the current application seeks an increased depth to the rear at both ground and first floor levels. The increase in depth at first floor level of 0.3m is not considered to result in any significant additional harm above that which has previously been approved. The enlargement of the ground floor extension would be greater and would result in the dwelling projecting beyond the neighbouring dwelling at No.76 (and beyond the rear of the previously existing garage). This would result in a degree of harm to this neighbour, though the replacement boundary fence would screen the rearmost part of the extension given the topography of the land. The orientation of the sites is such that the extension would not significantly detract from light to this neighbour, and on balance it is considered that any loss of outlook would not be sufficiently above that which occurred from the previously existing garage as to warrant the refusal of this application.

The application also includes the addition of a rear dormer to the previously approved roof enlargement. The dormer would be sited within the roof slope of the permitted roof alterations, and has been significantly reduced in bulk from the previously refused application. The dormer is not considered excessive in its scale and given its siting in the roof would not result in a loss of light or outlook to neighbouring residents. It would include a Juliet balcony in its rear elevation which would provide a rear facing window at second floor level, however this is not considered to provide significantly opportunities for overlooking above that which would occur from the existing and proposed first floor rear windows.

Having regard to the scale, siting, separation distance, orientation, existing boundary treatment (delete as appropriate) 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 on balance 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 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: 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 of the 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 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.

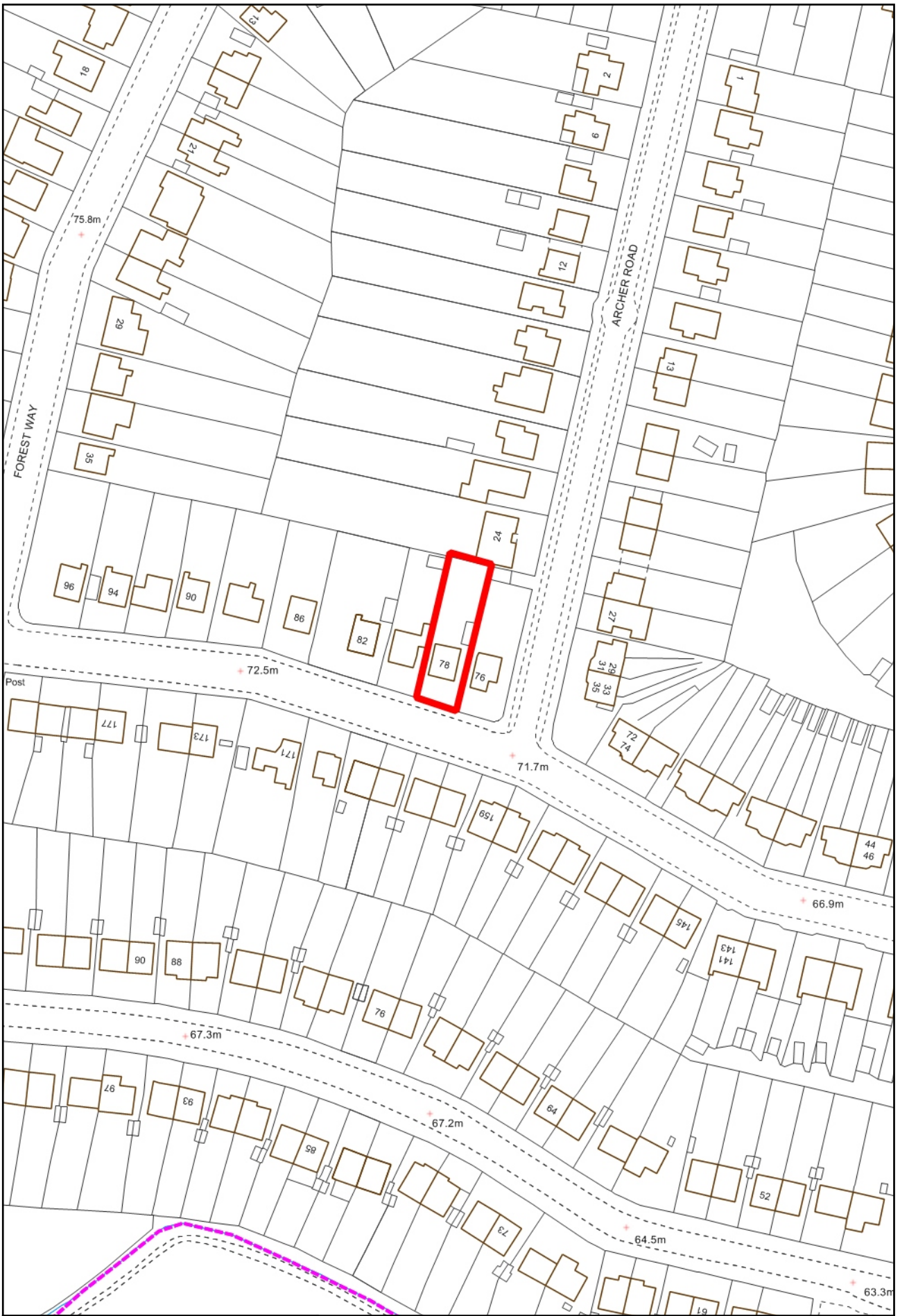
4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of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

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

5 Before the development hereby permitted is first occupied the proposed window(s) in the first floor east 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 (s) 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

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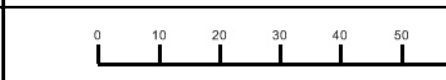
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18/03324/FULL6

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17, 2018

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

Application No : 18/04049/FULL6

Ward:
Bickley

Address : 17 Highfield Road Bickley Bromley BR1 2JN **Objections:** Yes

OS Grid Ref: E: 542638 N: 168100

Applicant : Mr And Mrs Alcraft

Description of Development:

Erection of four dormers to existing loft

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 an erection of four dormers to the existing loft. The permission was granted under 00/01695/FULL1 for an existing side dormer.

One hipped roof dormer 2.4m wide, 2.4m high and 2.2m deep would be inserted to the northern roof plane of the main roof behind the existing side dormer. One hipped roof dormer 3.5m wide, 2.4m high and 2m deep with roof-light on its flat top would be inserted on the southern roof plane of the main roof, projecting out towards a large existing chimney. These two dormers would be sitting symmetrically and would have a flat top. One gabled roof dormer would be inserted to the eastern roof plane, would be 3m wide, 1.6m high and 2.7m deep and one gabled dormer would be inserted to the hipped roof of the existing two storey rear extension (00/01695/FULL1), would be 4.2m wide, 2.4m high and 4m deep. Both gabled dormers would have a small arch top windows facing to the rear garden.

Location and Key Constraints

The application property is a detached pre-war dwelling erected circa in 1923, with an addition from 1926. Whilst a 1m side passage exists to the north flank boundary, historically the dwelling was erected with a nominal 350mm boundary separation to the south.

The adjoining property to the north at No 15 has been considerably extended at the rear and to the roof, involving the large dormer which is visible from the street. No 19 to the south has been moderately extended to the rear and to the roof.

The application site is located within residential area, on the eastern side of Highfield Road which is lined by a mixture of detached bungalows and two storey houses with lightly articulated elevations, sharing a consistency of appearance. The surrounding area has a reasonably spacious character with some exceptions where rather narrow gaps exist in between neighbouring properties.

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 concern has been raised about the proposed south facing dormer in the main roof as a large addition and the possibility of an insertion of window to its south elevation resulting in a loss of privacy.
- This dormer would be oppressive viewed from the rear bedroom.
- The proposed development would result in a complexity of rooflines in a proximity of second floor level to the neighbouring side boundary, appearing disproportionately bulky as an addition of the extensions from 1926 and 2000. Due to the position of the two houses, the east facing rear dormer would have a considerably adverse impact on the outlook from the bedroom.

The photographs showing the current relationship between the two properties were provided and uploaded to the casefile and property was visited by the case officer.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

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

b) 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

C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF.

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

BE1 Design of new development

Draft Local Plan

6 Residential Extensions

37 General Design of Development

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 00/01695/FULL1 for Part one/ two part storey rear extension and side dormer was granted permission 20.09.2000

Considerations

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

- Design
- 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.

The dormer proposed on the northern roof plain behind the existing side dormer would be visible from the certain points of view from the street due to the wider gap between Nos 15 and 17. The visibility of the proposed bigger dormer on the opposite site of existing would be limited due to its position within a distance of 5.5m from the main elevation.

The proposed gabled rear dormer in combination with the pair of symmetrical dormers behind would appear large in the context of the roof and along with the other dormers would to some extent disrupt the architectural consistency of the building. However, due to their position and materials used, would not weaken its contribution to the streetscape.

Having regard to the siting and proposed materials it is considered that the proposed extensions would not appear out of character with surrounding development or the area 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 roof extensions would alter the view from the rear of No 19, given the proportions of the proposed dormers and the proximity of the neighbouring properties Nos 17 and 19. However, they would not increase the potential for overlooking to neighbouring properties to a significant degree. In addition, the orientation of the dwellings in relation to each other, with the proposal property positioned due north reduces any impact and it is considered that the proposed

development would not increase potential for loss of daylight and prospect to the rear of the adjoining dwelling.

With regards to the impact of the proposal on the residential amenities of neighbouring property No19, which benefits from the full size rear dormer and a large rear extension (planning permission reference number 74/2232) and benefits from a reasonable separation distance, it is considered that the proposal would not harm the amenities of this property.

Having regard to the scale, siting, separation distance, orientation, 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 and the applicant has completed the relevant form.

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 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: 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.**

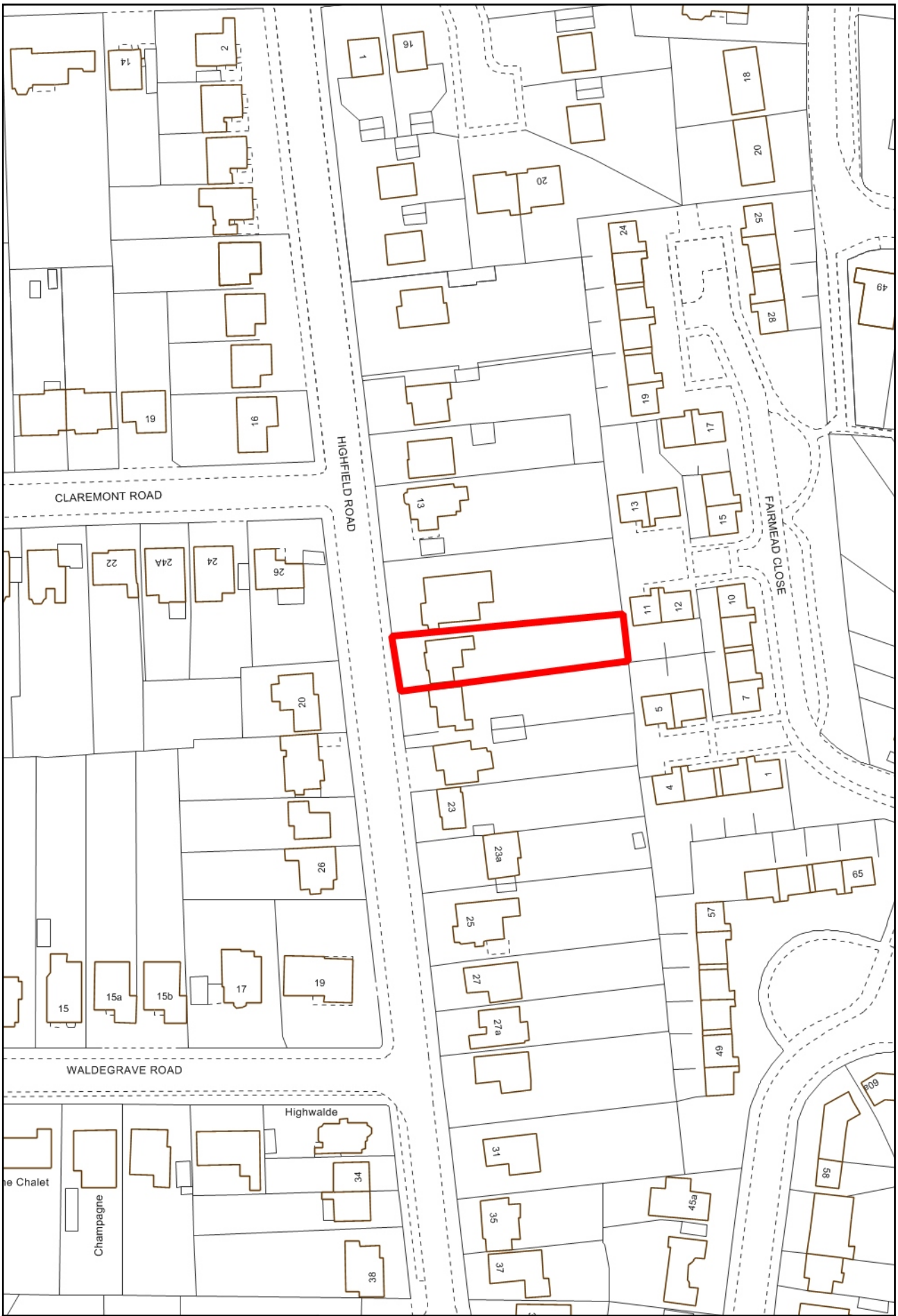
Reason: To comply with Section 91, Town and Country Planning Act 1990.

- 2 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.

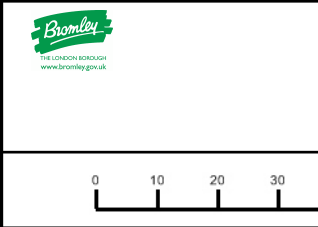
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.



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18/04049/FULL6

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

Application No : 18/04241/FULL1

Ward:
Bromley Town

Address : 10 Highland Road Bromley BR1 4AD

Objections: Yes

OS Grid Ref: E: 539658 N: 169963

Applicant : Mr C. Birch

Description of Development:

Demolition of existing garages to the rear of 10 Highland Road and the erection of a single 3 bedroom house

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 3

Proposal

The application seeks consent for the demolition of the existing garage block to the rear of 10 Highland Road and the erection of a single 3 bedroom dwelling.

Location and Key Constraints

The application site is situated on the north-west side of Highland Road, Bromley, to the rear of 8 and 10 Highland Road. As outlined above, the site includes a single storey garage block. The garages are currently reached via a small access road varying in widths of 3.2m to 3.8m. The area consists of period and post-war infill development many of which comprise of flatted residential development, with No.8 Highland Road converted into flats in 2006 (06/03686/FULL1), while No.10 is currently in use as a Doctors Surgery. The site is designated as being within an area of Open Space Deficiency.

Comments from Local Residents and Groups

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

- Undesirable backland development, out of character with the rear. If permitted it would likely set a precedent for similar proposals in the vicinity. This would result in a retrograde lowering of the spatial standards of the area.

- Existing trees could cause subsidence to the properties adjacent Grasmere Road and need to be regularly pollarded. The properties on Grasmere are lower than the proposed development. The boundary being a steep bank.
- Subsidence
- Grasmere properties are at a lower level. Would block most of the daylight from the east.
- Would compromise privacy and direct views into neighbouring properties.
- Unattractive backland development.
- Development has a very small garden.
- Harm to local wildlife and green space lost.
- Overshadowing and loss of light
- Loss of privacy
- Will change the character of the area.
- Two storey house is imposing and hazardous.
- Concerns about construction and impact on neighbours
- Access passage cannot be treated as a land as it is implied in the proposed planning as it has never been in use. Only occasional access for the garages.
- Upper floor and rear windows will be intrusive to residents of 16 & 22 Grasmere Road. No other houses in the immediate area have roof lights. This will harm neighbours.
- Access passage is not sufficient for fire appliances. Government said to build where it is safe and this plot of land is not.
- Noise and disturbance
- Increased pollution
- Could have more than 2 cars
- Concerns about highway safety
- Developer has erected hoarding without consultation with neighbours. This site should be redeveloped into a communal garden.
- Not a good idea to require resident to wheel 3 refuse bins to the entrance with highland grove. They will be left and will cause vermin.
- The access is too narrow and passes neighbouring flat entrances. There will be limited room for pedestrians when vehicles are accessing the development. No traffic calming measures to mitigate this. Safety concerns.
- With more people passing the entrances there may be more break-ins.
- The access is used for the storage of refuse for neighbouring flats. There would not be room when a car is passing. Where will these be stored.
- The development would encroach on a section of neighbouring leasehold land.
- Increase parking stress. Parking is already difficult.
- Harm to the visual amenity of the area
- There are attractive trees onsite which are or should be subject to a Tree Preservation Order.
- Trying to squeeze development in an inappropriate space.
- Concerns about installation of services.

A petition has also been supplied objecting to the development.

Comments from Consultees

Environmental Health Pollution Officer: I have considered this application and in principle would have no objections to permission being granted. I would however recommend that the following Informatives be 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: No objections please impose surface water condition.

Highways: The site is relatively near to both Shortlands and Bromley North rail stations together with several bus routes and has a PTAL rating of 1b. This is generally considered to be poor in terms of accessibility in the context of London.

The access road is blocked by a temporary shed so I could not see the parking area. Regrettably all those 7 car parking spaces will be lost as a result of this development.

The proposed development is of a single 3 bedroom house together with 2 parking spaces.

There is a single access point to the site at present which is partially made, the front section from Highlands Road for around 13m, this section is between 3.2m and 3.5m wide, and partially unmade, the remainder of the access which varies in width from 3.2m to 3.8m. The narrowest width is between the tree and the fence behind No 10 measuring 2.7m.

The vehicle access onto Highland Road will be via the existing dropped kerb access. The visibility splay at a junction ensures there is adequate inter-visibility between vehicles on the major and minor arms.

The developer is providing 2 x parking spaces which is as per Emerging Local Plane. One car park space can be used by the visitor. Required measurement of a parking bay is 2.4m x 5m with a clear manoeuvring space of 6m.

A total of 2 cycle parking spaces are required. However I would like to see detailed drawing. The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 2 cycle spaces to be provided per unit. Policy 6.9

(B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities.

It is not clear where the refuse storage for the existing flats at 10 and the proposed development will be located. I noticed some waste bins located along the access road and these further narrows its width. Please consult LBB Waste Service regarding refuse storage and servicing of the units.

I am also concerned how an emergency vehicle will enter the site for proposed development.

As it is in a low PTAL the developer should agree in writing with Local Planning Authority that with the exception of disabled persons no resident of the development shall obtain a resident parking permit within the controlled parking zone which is in force in this vicinity. This can be included as a condition when I have seen above mentioned details.

Subject to above please include following with any permission.

Standard Conditions

OC03 Satisfactory parking
ND16 Hardstanding for wash-down facilities
AG11 Refuse storage
AG12 Cycle parking
PC17 Lighting scheme
PC17 Construction Management Plan
AG24 Highway drainage
OC06 Car free housing ... future resident will not be apply for a resident parking permit

Waste Services: No comments received

Tree Officer - The proposed design has addressed the previous reasons for refusal. I would usually oppose such a small amount of amenity space, however, given the current use as a car park/garages presents the same issue in terms of useful amenity space. A precedent has therefore been set.

Given arboricultural appraisal has been submitted it would be prudent to request a method statement to address the revised scheme.

I recommend the following condition be applied in the event planning permission is granted:

Tree Protection (PC02)

Policy Context

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

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

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

The National Planning Policy Framework was published on 24th July 2018.

According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- C) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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.

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 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.10 Urban greening

Policy 5.13 Sustainable drainage

Policy 5.17 Waste capacity

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 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

Housing: Supplementary Planning Guidance

Unitary Development Plan

BE1 Design of New Development
H2 Housing Supply
H7 Housing Density and Design
H9 Side Space
NE7 Development and Trees
T3 Parking
T18 Road Safety

Emerging Local Plan

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 3 Backland Development
Policy 8 Side Space
Policy 37 General Design of Development
Policy 30 Parking
Policy 32 Road Safety
Policy Development and Trees
Policy 116 Sustainable Urban Drainage Systems (SUDS)
Policy 123 Sustainable Design and Construction

Supplementary Planning Guidance

SPG1 General Design Guidance
SPG2 Residential Design Guidance

Housing Technical Standards - Nationally Described Space Standards (NDSS).

Planning History

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

17/04981/FULL1 - Proposed development on land of existing garages to the rear of 10 Highland Road and part of rear garden of 8 Highland Road, including demolition of garages and erection of 5 terrace houses, with associated parking and refuse store. Refused for the following reasons:

1. The proposed development constitutes an undesirable form of backland development, out of character and scale with adjoining development, detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to be able to continue to enjoy, whilst leading to an unacceptable loss of amenity space for the neighbouring property at No.8 Highland Road, contrary to Policies H7 and BE1 of the UDP and Draft Policies 3 and 37 of Bromley's Emerging Draft Local Plan The London Plan (2016) and NPPF (2012).

2. The proposal constitutes a cramped overdevelopment of the site, by way of building coverage, which if permitted would establish an undesirable pattern for similar backland development in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policies BE1, H7 and H9 of the UDP and Emerging Draft Local Plan Policies 4, 3, 8 and 37, Policies 7.4 and 7.6 of the London Plan (2016) and the NPPF (2012).
3. The development of this site with 5 terrace houses would be detrimental to the privacy, prospect and visual amenities of the occupiers of adjacent residential properties, contrary to Policy BE1 and H7 of the Unitary Development Plan, Draft Policies 3 and 37 and London Plan Policy 7.6 and the NPPF (2012).
4. In the absence of sufficient information to demonstrate that vehicles can manoeuvre safely and efficiently within the site layout and in and out of the site, the proposal would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to policy T18 of the UDP and Draft Policy 32 of Bromley's emerging Local Plan.
5. The development would prejudice the retention and well-being of a number of trees which are protected by a Tree Preservation Order, therefore contrary to Policies BE1 and NE7 of the Unitary Development Plan.

Considerations

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

- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Trees
- CIL

Principle

Housing is a priority use for all London boroughs. 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.

Policy BE1 of the UDP outlines that the design of new development proposal will be expected to be of a high standard and layout, which should seek to be imaginative and attractive to look at, complement the scale, form, layout and materials of adjacent buildings and areas and preserve the character of the street scene.

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

Furthermore, Policy 3.5 of the London Plan seeks to ensure that housing developments should be of the highest quality internally, externally and in relation to their context and their wider environment. In addition, development proposal should seek to protect and enhance London's residential environment and attractiveness as a place to live.

Policy H7 of the UDP sets out criteria to assess whether new housing development is 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.

Paragraph 4.40 states backland development, involving development of land surrounded by existing properties, often using back gardens and creating a new access, will generally be resisted. Private gardens can be of great importance in providing habitats for wildlife, particularly in urban areas. However it also states that such development maybe acceptable provided it is small scale and sensitive to the surrounding residential area. Additionally traffic should not cause an unacceptable level of disturbance to neighbouring properties, and high standards of separation and landscaping should be provided.

Draft Policy 3 Backland and Garden states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

- There is no unacceptable impact on the character, appearance and context of an area in relation to the scale, design and density of the proposed development,
- There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space,
- There is no unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic,
- A high standards of separation and landscaping is provided

The application is a resubmission of planning ref: 17/04981/FULL1 which also related to the redevelopment of this site but this was for a larger development comprising 5 terrace houses.

At the time of that application the development site also included a large area of rear garden land attached to Number 8 Highland Road. This was deemed to be unacceptable and as such was considered to represent undesirable backland development. This was due to the introduction of housing on existing garden land which was considered to be unacceptable. Together with the level of site coverage it was considered that it would have resulted in an overdevelopment.

In this case the development site has been scaled down and no longer includes the garden area to the rear of Number 8 Highland Road, and is now confined to the site of the existing garage block. At the time of the previous submission it was considered that "the re-development of the land occupied by garages to the rear of No.10 is acceptable, as stated above the NPPF encourages the effective use of land that has been previously developed (brownfield land)."

The amount of development has also been reduced from 5 terraced houses to a single 1.5 storey detached dwelling. Given the existing garage use, the site is considered to be previously developed land and redevelopment in these locations is generally supportable, subject to an assessment of the development in respect of the character of the area, highways issues, neighbouring amenity and tree concerns which are discussed below. The removal of the garden land has also addressed a significant area of previous objection.

In terms of density, the development would equate to around 50u/ha or 200hr/ha which is in compliance with Table 3.2 of the London Plan. Policy 3.4 of the London Plan however highlights that in optimising development opportunities factors such a local context and design should be considered.

Design, Layout and Scale

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New

development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Furthermore, Policy 7.6 of the London Plan states that development should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and should comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy BE1 requires all new development to be of high standard of design and layout. It should therefore complement the scale and form of adjacent buildings and areas and should not detract from existing street scene and/or landscape and should respect important views, skylines or landscape features.

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 explanatory text to Policy H7 (para 4.36 of the UDP) states "many residential areas are characterised by spacious rear gardens and well separated buildings. The Council will therefore resist proposals that would undermine local character or that would be likely to result in detriment to existing residential amenities.

The development surrounding the site comprises mainly two storey properties. There are examples of terraces, detached dwellings and flatted developments. In terms of character the area is primarily residential, albeit there is a dentist practice at the very entrance to the site. The existing garage block is low in height and this backland site has a relatively open character due to the size of the plot and arrangement of surrounding gardens.

The application has been significantly revised since the previous submission. That scheme included the erection of a terrace comprising 5 residential units. The application now only proposes one three bedroom dwelling within the north west corner of the plot. This is set away from each of the boundaries and includes open space, which will be used for parking, to the south and south east of the site.

The overall height of the building has been kept to a minimum, with accommodation now housed within the roof space. The dwelling would incorporate red multi-brick walls, zinc roof and timber doors. The use of zinc is a more contemporary type of architectural treatment but this is not considered to be significantly out of character and there are limited views from the public realm.

The surrounding properties typically face the principle roads and have deeper rear gardens. The proposal would be orientated horizontally within the site and the depth of the rear garden would not be similar to wider development. However, the introduction of a residential unit within this previously developed backland site is not considered to be out of character with the surrounding context and the reduction in the number of units, overall reduction in scale of the development since the previous refusal, use of a pitched roof and general space about the building would ensure a satisfactory degree of openness is retained.

Therefore, it is considered that the development would no longer represent a cramped overdevelopment of the site. It would generally accord with Policies 7.4 and 7.6 of the London Plan and Policies BE1 and H7 of the Unitary Plan (2006) and is considered to be on balance an acceptable development in design terms.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Technical 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.

The proposal is for a three bedroom dwelling. The occupancy has not been stated but the development would include two rooms over 11.5sqm and one room measuring 10sqm. The rooms above 11.5sqm are capable of accommodation 2 people. As such the occupancy could reasonably be 5 persons.

The minimum GIA for a 3 bedroom 5 person dwelling over two storeys is 93sqm. The dwelling would have an approximate GIA of 119sqm. It therefore complies with the above standard.

The building would be situated centrally within the site but due to site constraints the rear garden is very limited. However, due to the location of the site and surrounding development the remainder of the frontage would be very private and could be used as amenity space.

All rooms would have a reasonable level of light. The windows serving bedrooms serving 1 & 3 would be dormers. The window serving bedroom 2 forms a small projecting bay. This would face towards the rear garden of number 8 but the forward facing window panels would be obscured to prevent direct overlooking. A side panel would be unobscured and would redirect the gaze backwards towards the rear of Highland road.

No objections are therefore raised to the standard of accommodation.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

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.

Policy T3 of the UDP and Draft Policy 30 (Parking) sets out the Council's standards for residential parking for new development. Moreover, Policy 6.13 (Parking) of the London Plan also sets standards for new residential development. The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking.

The application site has a PTAL rating of 1b where car ownership will be expected for new residential development.

There is a single access point to the site at present which is partially made, the front section from Highlands Road for around 13m, this section is between 3.2m and 3.5m wide, and partially unmade, the remainder of the access varies in width

from 3.2m to 3.8m. The vehicle access onto Highland Road will be via the existing dropped kerb access.

The level of car parking (2 spaces) for the new dwelling is considered appropriate. The Council's highways officer has not objected to the level of provision or the loss of the garage spaces. It is noted that no objections were raised in respect of the loss of garages within the previous refused scheme. The turning areas appear to be sufficient and as there is now only one dwelling on site, which lessens the potential for difficult manoeuvring and conflict between different households as all vehicles would be within control of one property. Additionally, the vehicular access path is established as it previously serviced the garage block.

There have been concerns about the storage of refuse and also the management/storage of refuse of the bins located on the existing access road, which serves the existing flats of 10 Highland Road. Refuse bins for the development would be stored on site and taken to the end of the access on bin collection day. In relation to the existing bins for the flats at 10 Highland the applicant has confirmed the freehold ownership of the land and has stated that the access road is wide enough to create a dedicated storage area. Having been on site it does appear there is scope to create a dedicated refuse area. As such a refuse management plan could be secured by condition.

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.

Policy BE1 of the UDP and Draft Local Plan Policy 37 seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is supported by London Plan Policy 7.6. In addition, Draft Policy 3 (Backland) states that backland development should not lead to an unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance.

The site is bounded by a terrace of two storey properties to the north (Number 16-22 Grasmere Road), a semi-detached pair of dwellings and their gardens to the west (12-14 Grasmere Road) and a pair of two-storey dwellings on Highland Road to the south. These properties are used as flats and a dentist practice. The access road also passes Number 8 Highland Road and its rear garden to the east. Access to a number of flats for 10 Highland Road is located on the access road.

It is also noted that the properties at Numbers 16-22 Grasmere Road are located at a lower ground level, being around 3.5m below the application site.

The overall scale of the development has been reduced since the previous refusal. The proposed dwelling would be situated towards the north west corner of the site. It would measure 7.05m in depth and 11.5m in width. It would have a pitched roof with an eaves height of 4m and 6.9m to the apex of the roof.

The dwelling would now sit immediately to the rear of Number 16 Grasmere Road and adjacent to the shared boundary with Number 14 Grasmere Road.

Number 16 is located at a significantly lower ground level, being around 3.5m below the application site. There is steep bank falling away from the rear of the site down towards Number 16 and there are also a number of trees along this existing shared boundary. This relationship has already therefore likely resulted in a level of overshadowing and visual incursion for the rear facing windows of this neighbour. The separation of the development to this common boundary would range between 2.8m - 3.4m. Due to the tapering building line the back to back separation between Number 16 and the proposed dwelling would be between 9.9m and 10.3m. The dwelling has been angled in such a way that the roof would pitch away from this common boundary line.

The existing garage structure is set away from this shared boundary and measures approximately 2.3m in height. The eaves of the new dwelling would be approximately 1.7m higher than the existing garages.

The overall scale and bulk of the development as a whole has been significantly reduced and whilst the maximum height of this dwelling is marginally taller than the maximum height of the most recent application, this is off-set by the reduction in the number of units and use of a roof which pitches away from the shared boundary. Whilst the orientation of the dwelling in relation to number 16 and back to back separation of properties may result in some visual impact, given the existing and established situation and reduced scale of the proposed development this is considered to be on balance acceptable in terms of light, overshadowing and visual impact.

In terms of overlooking the windows within the north facing roof slope would serve non-habitable areas and could be conditioned to be obscured glazed. No loss of privacy is therefore anticipated for the properties along 16-22 Grasmere Road

Number 14 is located to the west of the application site. The proposed dwelling would sit adjacent to this shared boundary, but it would be set back from the fence line by approximately 1.1m at its narrowest point and 1.7m at its widest. The proposed dwelling would project around 4.8m beyond the rear of Number 14 but due to the diminishing roof height, which would slope downwards and away from the rear of Number 14, it is considered that the overall bulk would be lessened. The separation would also help reduce the visual prominence of the scheme and due to the orientation of the property in relation to this neighbour; no significant loss of light or overshadowing is anticipated. No windows are proposed within this side elevation and accordingly there would be no loss of privacy or overlooking.

Windows are proposed within the south facing sloping roof and there would serve bedrooms. These would face the rear elevations and amenity spaces of 10 & 10B-

G Highland Road. The southern boundary of the site is staggered and the backs onto neighbouring gardens and there is also a single storey shed. The separation to the southern boundary varies between approximately 11.9m and 3.5m but at its narrowest point there is a further separation between the boundary and a shed in the neighbouring garden. The back to back separation between the facing windows is around 25m. The upper floor windows would be situated within the roof slope and given the fact they serve bedrooms and there is a generous degree of separation it is not considered there would be a detrimental loss of privacy or overlooking.

The existing vehicular access path would be used to gain entrance to the site. This appears to be used by the flats of 10 Highland Road as a means of entrance to their flats, and it also sits adjacent to neighbouring properties at 8 Highland Road. However the existing garage uses would have resulted in a level of vehicular movements along this path and whilst these garages are currently not in use, it is considered that this is the established and historical arrangement which could be reinstated at any time. There would be general comings and goings associated with the introduction of a residential dwelling on the site but given the existing use this is not considered to be significantly detrimental to neighbouring amenity by of increased noise and disturbance or general disturbance from headlights.

The property would include an upper level window within the east elevation, which faces Number 8 Highland Road. However, the forward facing panel would be obscured glazed and a single unobscured vertical panel would face back towards the rear of 10 Highland Road. This would prevent direct overlooking onto neighbouring gardens to the east.

Trees

Policy NE7 and Draft Policy 73 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. When works are proposed to be carried out to protected trees and woodlands the Council will seek appropriate management to ensure that they remain in a healthy condition and visually attractive.

Tree Preservation Order (TPO) BB 9, 1960 covers the site address and a large proportion of the surrounding roads. This is one of Bromley's earliest TPOs and protects trees that existed at the time the order was made.

The application is supported by an Arboricultural appraisal. Objections were raised previously with regards to the development being prejudicial to the well-being of a number of protected trees on and off-site. However, the current scheme has been significantly reduced in scale and no longer extends into the rear garden of Number 8 Highland Road, where there was previously likely to be a conflict between the development and trees. Most trees along the northern boundary of the application site are to be retained, and given the position of the existing garage structures, close to the root protection area of these trees and the location of the dwelling, objections would unlikely be raised in respect of harm. The Council's tree officer has reviewed the revised scheme and considers that this revised proposal

has addressed previous reasons for refusal. However, it is recommended that an Arboricultural method statement is required in order to ensure the trees to be retained will not be damaged during demolition or construction. Given the TPOs across the site and proximity of the development to the trees on the northern boundary this is considered to be a reasonable and necessary condition that should be submitted prior to commencement of development in order to safeguard the trees on and off-site.

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 regard to the above it is considered that this would be acceptable form of backland development on this previously developed site. The revised design and reduction in the scale of the development has satisfactory previous objections in relation to the spatial qualities of the area. It would not result in significant harm to the character or appearance of the locality and the impact on neighbouring residential amenities is on balance acceptable.

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 of the 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 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.**

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

4 (i) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

a) Location and installation of services/ utilities/ drainage.

b) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.

c) Details of construction within the RPA or that may impact on the retained trees.

d) A full specification for the installation of boundary treatment works.

e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.

f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.

g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.

h) A specification for scaffolding and ground protection within tree protection zones.

i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.

j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires

k) Boundary treatments within the RPA

l) Methodology and detailed assessment of root pruning

m) Arboricultural supervision and inspection by a suitably qualified tree specialist

n) Reporting of inspection and supervision

o) Methods to improve the rooting environment for retained and proposed trees and landscaping

p) Veteran and ancient tree protection and management

(ii) The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with BE1, NE7 and NE8 of the Unitary Development Plan and pursuant to section 197 of the Town and Country Planning Act 1990

5 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

- (iii) Measures to deal with safe pedestrian movement.**
- (iv) Full contact details of the site and project manager responsible for day-to-day management of the works**
- (v) Parking for operatives during construction period**
- (vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.**

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies BE1, T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 6 Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.**

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy BE1 of the Unitary Development Plan.

- 7 (a) Surface water from private land shall not discharge on to the highway.**

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage

- 8 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works**

(b) The arrangements as approved under part (a) 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 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 (a) 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 prior to construction of any above ground works

(b) The arrangements as approved under part (a) 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

10 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 details as set out in this planning permission 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.

11 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.

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.

12 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 13 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 building, structure, extension, enlargement or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), 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: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

- 14 Before the development hereby permitted is first occupied the proposed roof lights on the north roof slope and the window panels shown as being opaque and fixed shut (on drawing 18104/04 hereby approved) 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.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

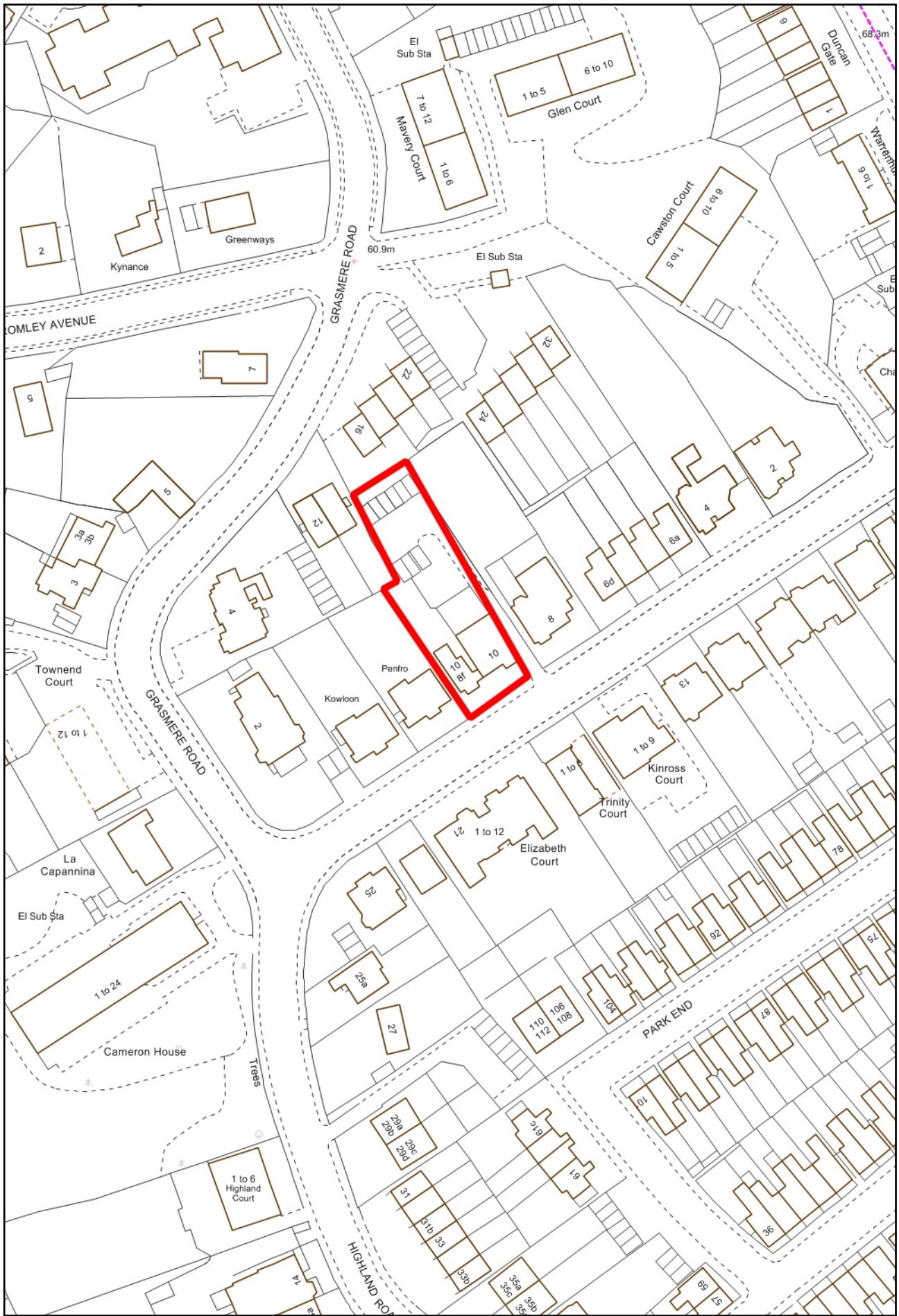
You are further informed that :

- 1 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.

- 2 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



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Application No: 18/04255/TPO **Ward:** Chislehurst

Address: 5 Duggan Drive Chislehurst
BR7 5EP

OS Grid: E: 542084 **N:** 170941

Applicant: Mr M Sanderson **Objections:** NO

Description of Development:

T1 Mature Sycamore with large scar on bottom 4m of stem - Fell.
T2 Mid-mature Beech overhanging No. 6 - Remove broken stems from upper crown.
T3 Small dead Chestnut stem - Fell.
T4 Large mature Oak on rear boundary of property - Dismantle.
T5 Ash with major wound - Fell.
SUBJECT TO TPO 467A

Proposal

The above Tree Preservation Order (TPO) protects trees that existed in 1989. The application has been made in respect a sycamore, beech, chestnut, oak and ash tree situated at the back of the property, near the western boundary.

Location

The application site is comprised of a detached dwelling located towards the end of the cul-de-sac.

Consultations

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

Considerations

The application is to be determined at committee as a member of staff is related to the application.

The officer visited the site and inspected each tree subject of the application. The ash tree (T5) was added to the list of proposals based on the poor condition observed.

The trees are not visible from the public domain. Each tree has a defect that has resulted in the need to fell the trees as a course of management. Each tree is suffering from decay and extending wounds. The oak tree (T5) was found to be in a dangerous condition. Site photos are printed to file.

Conclusion

The proposed works are considered justified management due to the predicted retention span being lower than 10 years.

Due to the designation of the TPO as an area, replacement trees would not benefit from continued preservation. Replacement planting is therefore not an obligation as part of this decision.

It is recommended that committee members consent to the application.

RECOMMENDATION: CONSENT

T1 Mature Sycamore with large scar on bottom 4m of stem - Fell.

T2 Mid-mature Beech overhanging No. 6 - Remove broken stems from upper crown.

T3 Small dead Chestnut stem - Fell.

T4 Large mature Oak on rear boundary of property - Dismantle.

T5 Ash with major wound - Fell.

CONDITIONS

1. TL14 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.

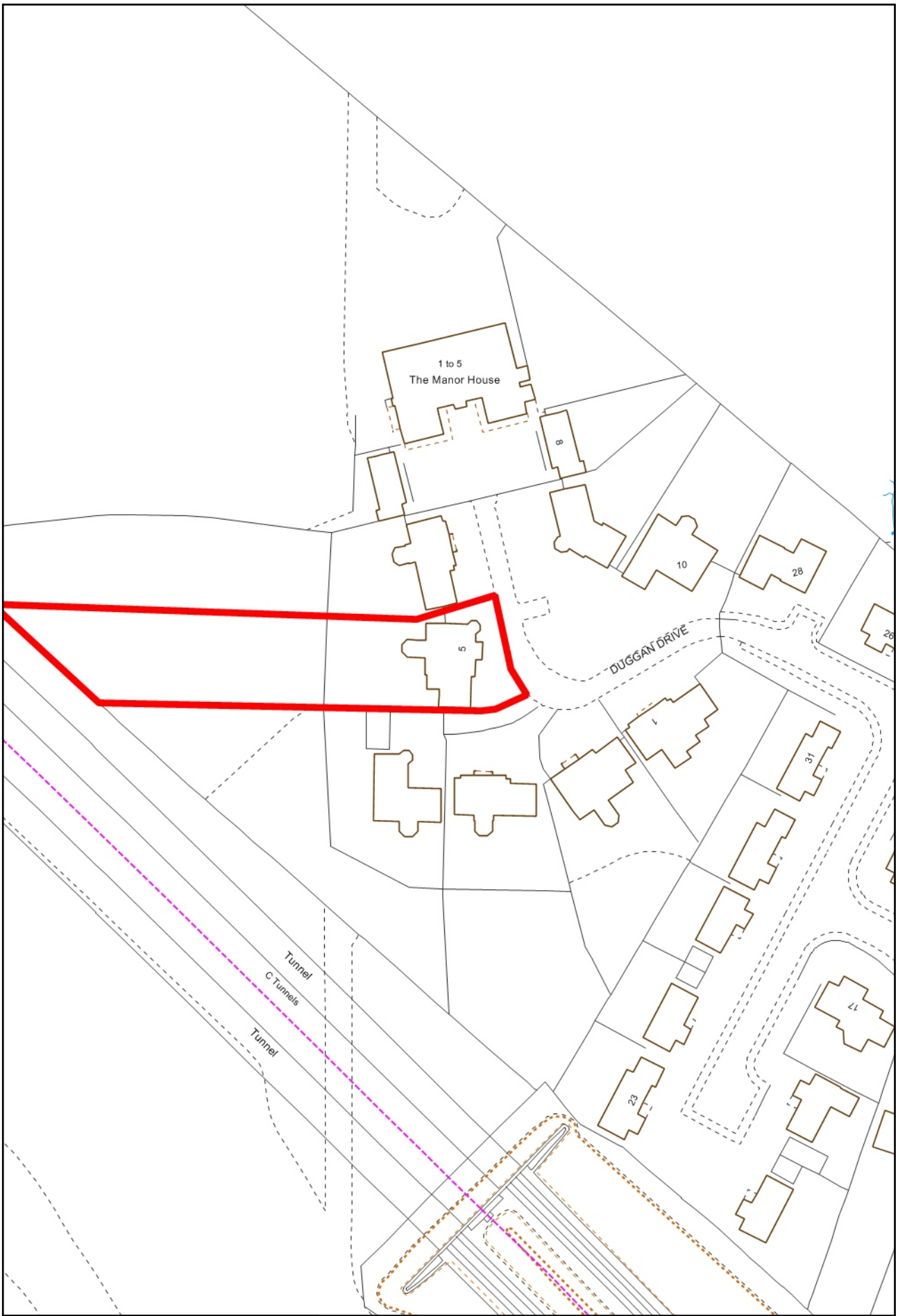
2. ND52 Tree surgery

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

You are advised that formal consent is not required for the removal of deadwood, dangerous branches and Ivy from protected trees.



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

Application No : 18/04267/FULL1

Ward:
Bickley

Address : Bickley Park School 24 Page Heath **Objections: Yes**
Lane Bickley Bromley BR1 2DS

OS Grid Ref: E: 542205 N: 168862

Applicant : Mr Chris Tompsett

Description of Development:

Demolition of the existing 2 storey theatre building, single storey classrooms and stores and erection of 2 storey performing arts centre together with removal of trees and replacement fencing and temporary classroom building

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 replacement of the existing theatre building at the school with a two storey performing arts facility. The proposal consists of the following elements:

- Demolition of the existing two storey theatre building and attached single storey classrooms and store room.
- Erection of a replacement two storey performing arts building including auditorium, classroom and associated rehearsal room and facilities. The building will have a length of 34.4m and a width of 14.8m. The building will have a flat modern roof design with a height of 8.2m.
- Replacement hooped fence to front of existing sports hall and improvements to access
- Removal of two horse chestnut trees and replacement planting
- Installation of single storey temporary classroom for duration of the works only – sited to the west of the existing structure. The classroom will have a length of 12.0m and a width of 12.3m. The roof will be flat with a height of 3.0m. the classroom is indicated to have an open plan arrangement.

The proposal forms part of the school's wider plans to relocate classrooms and improve the facilities and arrangements at the school, including the relocation of the geography and history classrooms in the existing building to other parts of the school

and the consolidation of performing arts facilities into one building. The proposal would not lead to any increase in pupil numbers or intensification of the use of the site. The theatre facility will continue to be used by the community on Saturdays and outside of term times in a similar manner to the existing theatre and swimming pool facilities.

The application is accompanied by the following documents:

- Design and Access Statement
- Transport Assessment
- Noise Impact Assessment
- Sustainability Appraisal
- Arboricultural Impact Assessment

Location and Key Constraints

Bickley Park School is located over two sites along Page Heath Lane. The site close to the junction with Bickley Road is the main prep school site, with the site bounded by Clarence Road providing accommodation for pre-prep children of nursery and reception school age.

The pre-school site is located close to the junction with Bickley Road, bounded on all sides by residential properties. Parking is to the front of the site. None of the buildings within this site are locally or statutory listed. The sites are also not located within any conservation areas.

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 school has failed to reduce the high level of noise emanating from its swimming pool, especially at weekends. The proposal would increase noise levels to the detriment of local residential amenity.
- The proposed facilities will be offered for sale or rent outside the normal school hours. This will impose a severe impact on the local neighbours right to have some respite from school activities outside of school time. Despite the application saying this will not happen recent use of facilities proves otherwise. The current theatre has recently been used for parties as well as Kendo lessons out of hours and at weekends. I cannot see this changing. More facilities more opportunities. Parking will be affected locally if this happens.
- Excessive noise generation. They have shown a consistent inability to manage noise levels. For example they have sold off the use of their Swimming Pool on both Saturdays and Sundays. They are now in use outside school hours for 4 hours on each day. I have had to ask the Public Protection Office to intervene and this is an ongoing constraint.
- Lack of need for the facility. The facility seems way over the top for the existing pupils, not to mention the financial strains it will place on the school in such unpredictable times. If it were scaled down it could readily be placed in

an area to the front of the site. We had to object to the Science Wing on similar grounds.

- In recent years the school has made every effort to commercialise its privately funded facilities. It has sold time to private companies and individuals for use of its theatre and swimming pool facilities. Combine this with recent planning applications and its no surprise that the current management team has totally destroyed neighbour relations. Just recently they have moved some 50+ storage lockers from inside the school to a site next to my neighbours house. All we can hear now throughout the day is the constant slamming of locker doors, from 07.50 to close of school at 17.30 There is a total disregard for the impact their decisions have on their neighbours. We have to object now as recent complaints from neighbours shows that once in place our arguments for "change of use", "excessive noise" or "outside normal school hours" are never enforced by the Planning Office.
- The disruption to the local neighbourhood would be horrendous and unnecessary. Can we be confident that the facilities will not be rented out for outside use and outside of school hours? My other concern is access for the works. St Michaels Close is exactly that and there is no access to the school grounds beyond the end of the Close - this is a totally dead end for traffic.
- This is a residential area which happens to have a small private school in the middle of it. The development is not in keeping with the local area. I am concerned that the proposed development is also excessive for the school itself and will be used to generate additional income for the school. The schools neighbours are entitled to some respite outside of school hours. If the facility is rented out then there will be no respite for neighbours and there will be additional traffic and parking problems outside of school hours. There is also the question of the blockage of light to nearby properties. The school already shows a flagrant disregard for its neighbours in relation to its swimming facilities and this will increase with this development. The school also does not seem to maintain the trees on site and I am concerned that this development will be used as an excuse to remove mature trees and shrubs
- I have read the responses to objections. They naturally are in favour of the school plans and have total disregard for the neighbours. I particularly object to the sweeping statement that st Michaels Close will be used as site access to install the "temporary" classroom and again at the end of the project. The Close should NOT be considered at all for site access. The school, planners and designers should be thinking about inconveniencing the school to find access and not the local residents. The pavements in St Michaels Close, after years of asking have finally been replaced and our crossovers block paved. Subsidence of the road due to heavy vehicle access has been repaired.
- Temporary classrooms will create additional noise and disturbance and may become permanent structures. These should be positioned elsewhere on the site.
- Temporary classrooms will impact on light and privacy to neighbouring houses
- Noise and disturbance during building works
- Impact on wildlife and loss of trees

Comments from Consultees

Environmental Health Pollution Officer: I have looked at this application and would have no objections to permission being granted.

Tree Officer: Significant trees are retained as part of the scheme and protection methods have been indicated. More detail is invited under condition as part of the Arboricultural Method Statement (AMS). I am satisfied that Council policies relating to trees are not negated subject to a condition.

Drainage Engineer: We accept the proposed use of cellular storage crate to dispose of surface water run-off. Please impose PC06.

Highways: The proposals do not therefore involve an increase in the intensification in the use of the site. There will be no increase in the number of classes per year group and there is no intention to increase pupil numbers. As there will be no increase in the intensity in the use of the site so there will consequently be no increase in traffic movements to and from the School and its environs so I would have no objection to the application. The applicant has also confirmed in his email dated 13 December 2018 that the existing Theatre is currently let out by the School to a local Theatre group on Saturdays and during holiday periods, but this has no impact on local traffic or parking as this takes place outside normal school hours and all parking is accommodated on the School's site. This arrangement is also proposed for the new facility and I have no further comments or concerns.

Education: No comments made

Leisure: no comments made.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

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

- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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 3.16 Protection and enhancement of social infrastructure
- Policy 3.18 Education Facilities
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 5.5 Decentralised energy networks
- Policy 5.6 Decentralised energy in development proposals
- Policy 5.7 Renewable energy
- Policy 5.8 Innovative energy technologies
- Policy 5.9 Overheating and cooling
- Policy 5.10 Urban greening
- Policy 5.12 Flood risk management
- Policy 5.13 Sustainable drainage
- Policy 5.14 Water quality and wastewater Infrastructure
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste self-sufficiency
- Policy 5.17 Waste capacity
- Policy 5.18 Construction, excavation and demolition waste
- Policy 6.3 Assessing effects of development on transport capacity
- Policy 6.9 Cycling
- Policy 6.10 Walking
- Policy 6.13 Parking
- Policy 7.1 Building London's neighbourhoods and communities
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 7.14 Improving air quality
- Policy 7.15 Reducing noise and enhancing soundscapes

Unitary Development Plan

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T15 Traffic Management
- T18 Road Safety
- BE1 Design of New Development

BE10 Locally Listed Buildings
C1 Community Facilities
C7 Educational and Pre School Facilities
NE7 Development and Trees

Emerging Local Plan

Policy 27 Education
Policy 28 Education facilities
Policy 30 Parking
Policy 31 Relieving congestion
Policy 33 Access to services for all
Policy 37 General design of development
Policy 112 Sustainable waste management
Policy 115 Reducing flood risk
Policy 116 Sustainable urban drainage systems
Policy 119 Noise pollution
Policy 120 Air quality
Policy 123 Sustainable design and construction
Policy 124 Carbon reduction, decentralise energy networks and renewable energy

Supplementary Planning Guidance

Supplementary Planning Guidance 1 – General Design Principles

Planning History

There is a considerable planning history to this site, with the most recent applications including:

06/00642/FULL1 - Two storey detached building for sports hall and classrooms – Permitted

08/03748/FULL1 - Single storey extensions to changing rooms – Permitted

08/03750/FULL1 - Single storey extension to provide 1 additional classroom and associated facilities and recladding of existing gymnasium building – Permitted

15/01205/PLUD - Conversion of 2nd floor attic to ancillary flat for teaching staff - Proposed development is lawful

15/01035/FULL1 - Demolition of two storey detached building and replacement with detached, single storey flat roofed, timber framed 252sqm building for EYFS use on independent school site – Permitted

16/05430/FULL1 - Detached single storey flat roofed timber building for relocation of years 5 and 6. Single storey side extension to science block. – Permitted.

Considerations

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

- Principle

- Design
- Neighbouring amenity
- Highways
- Trees
- Sustainability
- CIL

Principle of development

UDP Policy C7, London Plan Policy 3.18 and paragraphs 91-95 of the National Planning Policy Framework (2018) set out requirements for the provision of new schools and community facilities.

The NPPF, para 91 states that:

Planning policies and decisions should aim to achieve healthy, inclusive and safe places which:

‘Promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.’

Para 94 states:

‘It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.’

London Plan Policy 3.18 encourages new and expanding school facilities particularly those which address the current predicted shortage of primary school places.

Draft Policy 6.5 of the emerging Local Plan defines existing school sites as ‘Education Land.’ Policies 6.5 and 6.6 of the Draft Local Plan support the delivery of education facilities unless there are demonstrably negative impacts which substantially outweigh the need for additional education provision, which cannot be addressed through planning conditions or obligations. In the first instance, opportunities should be taken to maximise the use of existing Education Land. Paragraph 216 of the NPPF enables due weight to be given to emerging policies depending on their degree of consistency with the policies in the Framework. In this instance it is considered that there is significant compliance with existing policies and so greater weight can be given to the emerging policies.

UDP Policy C7 supports applications for new educational facilities or extensions to existing schools, provided they are located so as to maximise access by means other than the car. It is also noted that the school intends for the facility to be used by the wider community as well as the school, and this aspect of the proposal is also supported.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

It is clear from the supporting Design & Access Statement that there is a need for a replacement of the existing theatre building with an improved performing arts facility along with the creation of a central hub to include drama, music and other related modern facilities for the school.

The proposed structure will occupy broadly the same position and footprint as the existing theatre building at the site and will be wider and longer than the building it replaces, increasing the footprint from an existing 300m² to a proposed 445m². The proposal would not therefore impede significantly into existing open areas of the site. It is therefore considered that the proposal would not result in a structure that would overdevelop the site or appear overly cramped in comparison with the existing structure.

The proposal incorporates a modern design with a flat roof with different heights and articulation designed to minimise the bulk of the building. When viewed in context with the wider school site, the structure will be comparable in height and bulk to the main school building fronting Page Heath Lane and the newer sports hall building permitted under ref. 06/00642. The building will also not be prominently visible from Page Heath Lane due to its siting to the rear of these buildings. The use of sympathetic materials will help to minimise any visual impact and the proposed materials palette is considered to assist in this regard.

The proposed temporary classroom building will be used at the site for the duration of the construction of the new facility and a condition can be imposed to ensure that it is removed upon completion. The temporary classroom will take the form of a modular building that would not have a detrimental impact on the character of the site and wider area, given its design and short-term siting at the school.

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 impact upon neighbouring amenity, the proposed structure would be located within a relatively centralised position within the school site, however it will be sited to the north of the nearest residential property at No. away from most neighbouring boundaries. The application would have the most impact upon the neighbouring property at No. 7 Stratford House Avenue. The proposal will replace the existing building that has a height of 5.8m with a replacement one that will have a height of 8.2m, however the roof height will be at its lowest at the south eastern corner adjacent to the boundary of the site (4.9m). It is noted that there is some mature vegetation along the southern boundary of the site, much of which is located outside of the site within the garden of No. 7. This vegetative screen obscures the view of the existing building and therefore it is considered that there would not be any additional visual impact as a result of the proposal. As the structure will be sited to the north of this house, it is not considered that the proposal would result in a loss of sunlight.

In regard to noise and disturbance, a Noise Impact Assessment has been submitted with the application to assess the impact of the relocation of the classrooms to this part of the site, including the acoustic qualities of the proposed performing arts building. The building will also perform the same function as the existing theatre building at this part of the site. The report concludes that the survey informed the robust glazing specification and that neighbouring residential properties are not likely to be affected by noise breakout from the auditorium or the classroom. No objections are raised from an environmental Health perspective in regards to the Noise Impact Assessment accompanying the application.

The proposed temporary classrooms will have a low height and will be sited adjacent to the western side boundary of the site on the existing tennis courts. This part of the site is adjacent to properties on St Michael's Close however there will be a retained separation of 6.5m to the side boundary of the site. The result is that the classroom will not have a detrimental impact on residential amenities in terms of visual impact. The classroom will also not generate significant noise and disturbance over and above the existing use of this part of the site, which is used for outdoor recreation.

The proposal includes the replacement of the fencing at the front of the sports hall building and associated improvements to pedestrian access. These aspects of the proposal are considered to be acceptable and would improve the appearance of the school by providing an open frontage including hooped non-solid metal fencing.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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 proposals do not involve an increase in the intensification in the use of the site. There will be no increase in the number of classes per year group and there is no intention to increase pupil numbers. As there will be no increase in the intensity in the use of the site so there will consequently be no increase in traffic movements to and from the School and its environs so the proposal is considered unlikely to impact in terms of highway safety.

Trees

The Council's Arboricultural Officer has commented that significant trees are retained as part of the scheme and protection methods have been indicated. More detail is invited under condition as part of the Arboricultural Method Statement (AMS). The Tree Officer is satisfied that Council policies relating to trees are not negated. A planning condition is recommended to ensure the protection of trees at the site.

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.

The application is accompanied by a Sustainability Appraisal that demonstrates that the proposed development addresses the requirements of national planning guidance, the London Plan Chapter 5 / Building Regulation Part L baselines for non residential developments, and relevant policies of the London Borough of Bromley

draft Local Plan. The Sustainability strategy focusses on the implementation of sustainable systems for energy, CO2, water, waste management, and construction management. Much attention has been given to reducing the environmental impact throughout the lifetime of the building, during construction, refurbishment and operation. The site's potential environmental impacts have been considered, and this report details how those impacts will be managed and mitigated. The approach to assessing, designing and constructing a sustainable scheme, will result in a development which addresses the identified policies discussed above, whether national, London wide or local.

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 is acceptable in that it would provide an upgraded facility for the school and wider community that would not impact harmfully on the character of the area or the amenities of neighbouring properties. No impact on significant trees would result from the proposal.

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 of the 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 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include 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.**

(b) 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 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies BE1, T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

5 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of

surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

- 6 Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.

Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy BE1 of the Unitary Development Plan.

- 7 The temporary classroom hereby permitted shall be removed within 3 months of the completion of the arts facility development hereby permitted.

Reason: In order to comply with Policies BE1 of the Unitary Development Plan and in order to prevent the overdevelopment of the site.

- 8 Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.

Specific issues to be dealt with in the TPP and AMS:

a) location and installation of services/ utilities/ drainage.

- b) methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.**
- c) details of construction within the RPA or that may impact on the retained trees.**
- d) a full specification for the installation of boundary treatment works.**
- e) a full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.**
- f) detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.**
- g) a specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.**
- h) a specification for scaffolding and ground protection within tree protection zones.**
- i) tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.**
- j) details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires.**
- k) boundary treatments within the RPA**
- l) methodology and detailed assessment of root pruning**
- m) arboricultural supervision and inspection by a suitably qualified tree specialist**
- n) reporting of inspection and supervision**
- o) methods to improve the rooting environment for retained and proposed trees and landscaping**
- p) veteran and ancient tree protection and management**

The development thereafter shall be implemented in strict accordance with the approved details.

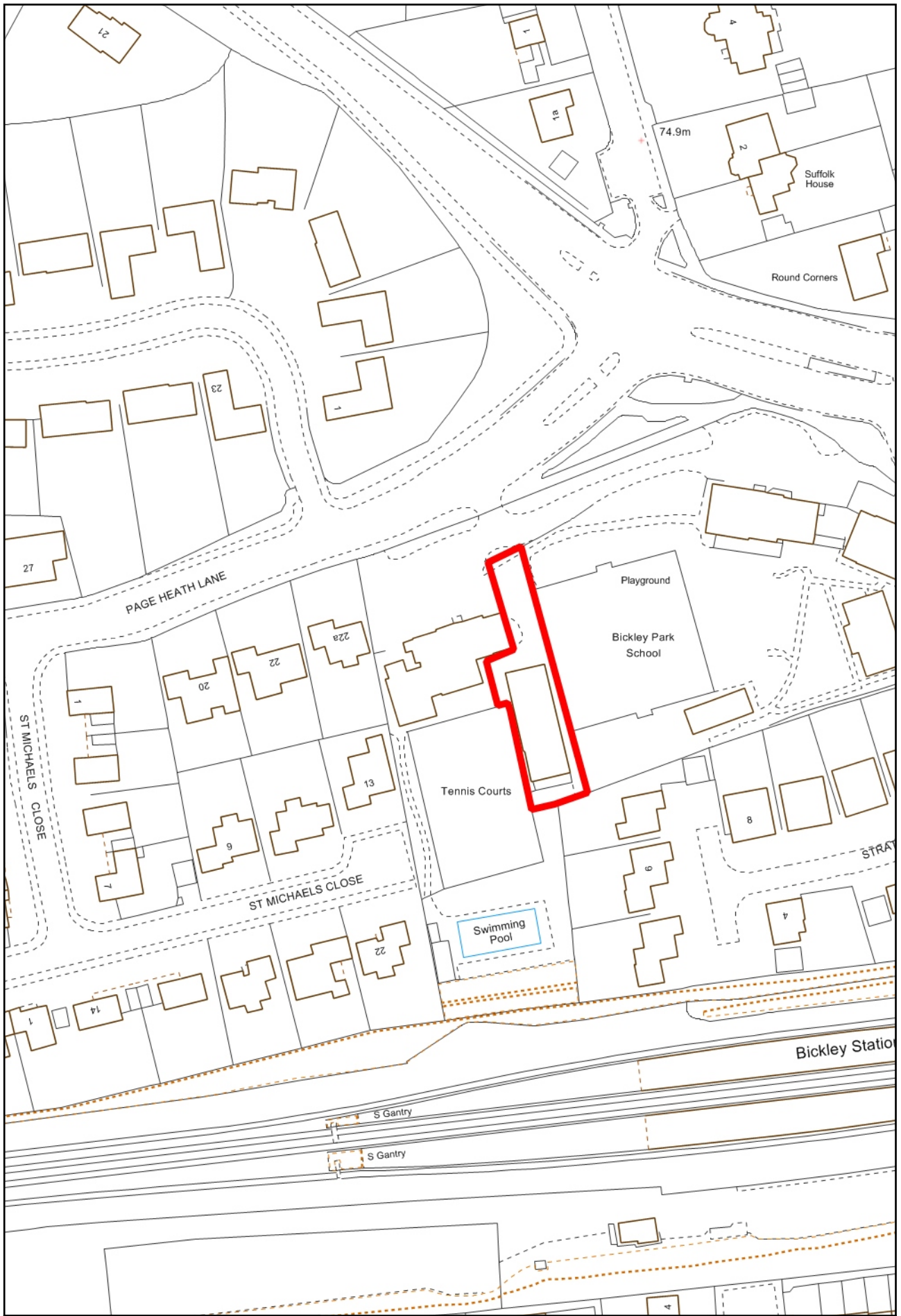
Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and

enhance the appearance and character of the site and locality. Required to ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan. and pursuant to section 197 of the Town and Country Planning Act 1990.

You are further informed that :

- 1 The following British Standards should be referred to:**
 - a) BS: 3998:2010 Tree work - Recommendations**
 - b) BS: 5837 (2012) Trees in relation to demolition, design and construction - Recommendations**

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18/04267/FULL1

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 17, 2018

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

Application No : 18/04361/FULL6

Ward:
Petts Wood And Knoll

Address : 89 Crescent Drive Petts Wood
Orpington BR5 1BA

Objections: Yes

OS Grid Ref: E: 544242 N: 167062

Applicant : Mr i osman

Description of Development:

Part one/two storey rear/side extension with terrace area
PART RETROSPECTIVE

Key designations:
Smoke Control SCA 8

Proposal

Planning permission is sought for a part one/two storey rear/side extension single storey extension which would have a staggered rear building line. At ground floor, the proposed extension would project approximately 1.2m beyond the existing extension and existing extension at No.91 along the boundary, then be set in 1.8m from the shared boundary and would have a depth of 3m resulting in a total of 5m rearward projection from the original rear wall of the house. It would then wrap around the rear of the house projecting 0.7m to the side and would be set back from the front wall of the house by 6.2m. The first floor element would be set in from the common boundary with No 91 by 2.1m and would project 3.2m from the rear wall. This part of the proposal would be in-line with the flank wall. A minimum side space of 1m would be retained to the flank boundary with No.87.

Location and Key Constraints

The application site is a semi-detached property on the eastern side of Crescent Drive

The property is not located within a conservation area and not listed.

Comments from Local Residents and Groups

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

- impact of extension on No.87 less than 1m
- extension would be between No.87 and southerly light
- even would reduction to the first floor likely to cast large shadow for many hours and will leave living space darker
- windows to side of house have been in place since 1989- proximity of build would infringe right to light and privacy due to proximity of door on side

- impact on visual amenity
- proximity, size, scale and design – unattractive place to live
- previous refusal mentions ground floor too large and extends too far back
- application seeks retrospective permission for same building constructed without planning permission and denied a certificate for permitted build
- objection remains as previous applications
- boundary as represents on plans does not represent reality and contradicts failed planning applications
- application already refused on ground floor
- single storey remains bulky
- unclear if existing structure will be demolished
- does this mean newly constructed walls to replace?

Comments from Consultees

None

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 48 of the NPPF (2018) 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
BE1 Design of new development

Draft Local Plan

6 Residential Extensions
37 General Design of Development

Supplementary Planning Guidance

SPG1 – General Design Principles
SPG2 – Residential Design Guidance

Planning History

Most recently, a lawful development was not deemed lawful under ref. 18/01018/PLUD for Single storey side/ rear extension on the following grounds:

“The proposal as submitted would not constitute permitted development under Class A.1 (j) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as the proposed single storey rear extension would result in the enlarged part of the dwellinghouse extending beyond a wall forming a side elevation of the original dwellinghouse and having a width greater than half the width of the original dwellinghouse.”

Planning permission was refused under ref. 18/00969 for Part one/part two storey side/rear extension.

“1. The proposed extensions, by reason of their design, size and depth would result in a bulky and un-sympathetic form of development, failing to respect or complement the scale and form of the host dwelling and wider street scene, harmful to its character and appearance, contrary to Policies BE1, H8 and H9 of the UDP (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

2. The proposed rear projections at ground and first floor level , by reason of their overall size and excessive rearward projection would have a significantly adverse impact on neighbouring residential amenities, resulting in a loss of outlook, prospect and undue visual impact, thereby contrary to Policies BE1, and H8 of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 and 2.”

Considerations

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

- Resubmission
- Design
- Neighbouring amenity
- CIL

Resubmission

The application seeks to overcome the previous grounds of refusal as outlined in ref. 18/00969 by proposing the following changes:

- reduction in depth of the rear extension along the shared boundary with No.91 from 3m beyond the existing extension to 1.2m
- the stepping in of the remaining ground floor extension by 1.8m away from the shared boundary with No.91
- increase separation to the flank boundary with No.87 at ground floor from 0.7m to 1m
- deletion of first floor extension along shared boundary with No. 87
- reduction in depth of first floor rear extension from 5m to 3m
- reduction in width of first floor rear extension now not projecting to the side of property

The application seeks 'part retrospective' permission which means that elements of the scheme that have already been constructed would need to be removed in order to comply with the approved drawings.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

The current application seeks to overcome the previous grounds of refusal (ref. 18/00969) relating to the design, size and depth of the previously proposed scheme. Concerns were raised that the previous application would result in a bulky and un-sympathetic form of development which would fail to respect or complement the scale and form of the host dwelling and wider street scene.

The current extension now proposes to maintain a minimum of 1m separation to the flank boundary with No. 87. The ground floor element has been pushed away from the boundary and the proposed first floor extension would now follow the flank wall of the existing house rather than projecting to the side as previously sought. These changes are sufficient to comply with Policy H9 (Side Space) with the two storey extension now not being seen from

the streetscene and the previously proposed section of roof now deleted. It is considered that the development that would not detrimental to the character and appearance of the host dwelling and wider street scene.

It is considered that adequate reductions and changes have been made to the proposal and it is considered that the revised scheme now respects the existing character and appearance of the host dwelling. From visiting the site, there are a number of properties in the immediate area that have been significantly extended and it is not considered that the proposal in its current form would be at odds with the surrounding pattern of development.

Having regard to the form, scale and siting it is considered that the proposed extension would complement the host property and would not appear out of character with surrounding development or the area 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 current proposal now seeks to delete the section along the boundary with No.91 at first floor level and seeks to set in the first floor element by 2.1m and significantly reduce the depth of the proposed extension. The proposed ground floor extension has also been reduced in depth along the shared boundary and given the existing extension at No. 91 it is not considered that the proposal would be detrimental to the amenities of this neighbour. It is considered that these changes are adequate to overcome the previous grounds of refusal.

Comments have been received from the neighbour at No. 87 which can be viewed in full on the file and have been taken into account whilst assessing the application. It is noted that planning permission was granted under ref. 89/0763 at No.87 for a Single storey side and two storey rear extension, and most recently under ref. 11/03674 for First floor side extension, elevational alterations and roof alterations to incorporate rear dormer extension which show the flank windows to serve the kitchen, although there appears to be an additional single storey rear section adjacent to the conservatory which is not shown on the drawings. Concerns were raised in the previous report regarding the impact of the two storey element on this neighbour due to its overall depth, bulk and mass but given the reduction in size and increase separation of the two storey element to the boundary the proposal is now considered acceptable in this respect. It is noted that the proposed single storey element will now also be moved further from the boundary.

Having regard to the scale, siting and orientation 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 unlikely to be payable on this application however the applicant has completed the relevant form.

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 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: 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.

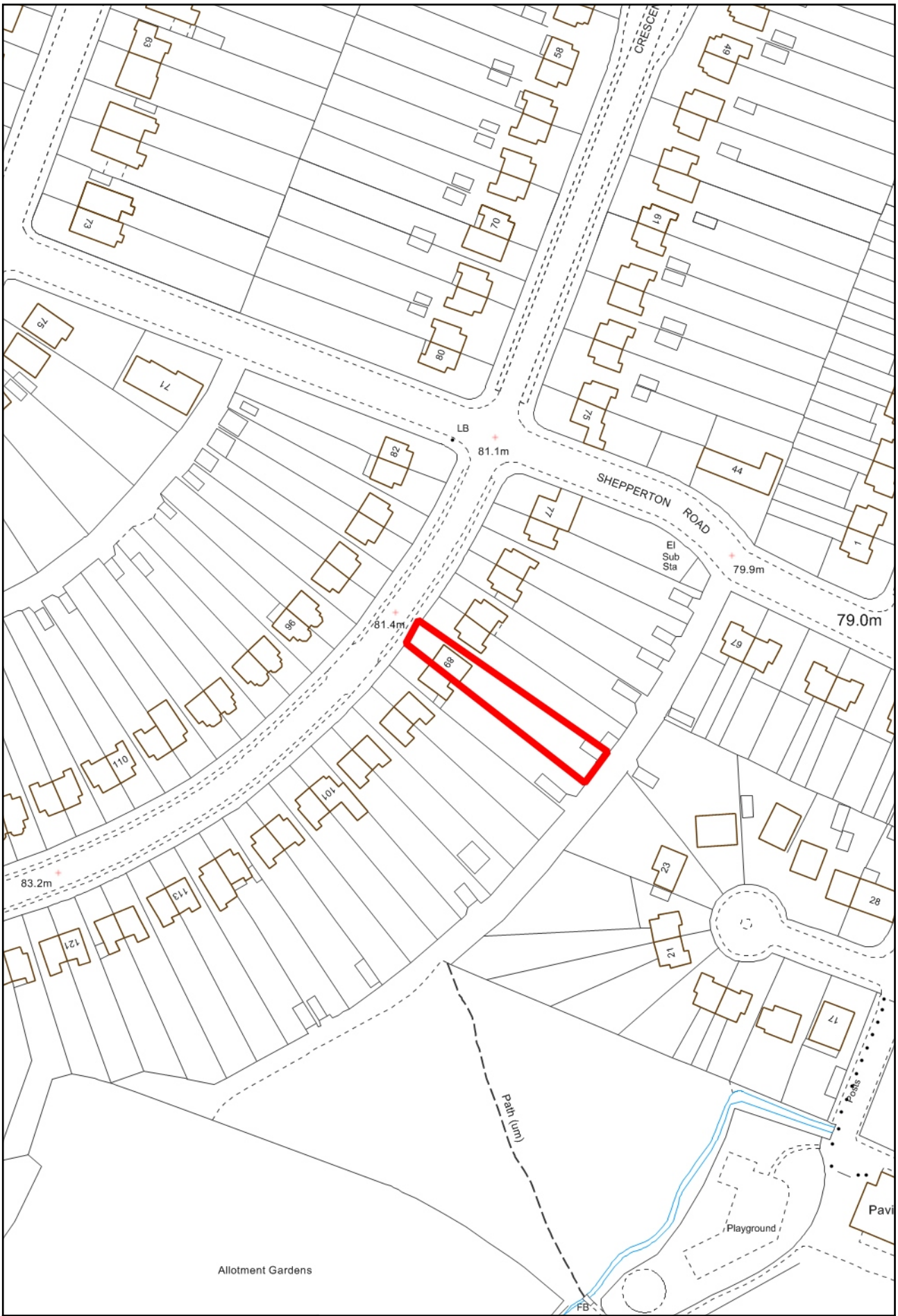
Reason: To comply with Section 91, Town and Country Planning Act 1990.

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

Application No : 18/04720/FULL6

Ward:
Cray Valley West

Address : 18 Whitewebbs Way Orpington BR5 2TJ **Objections:** No

OS Grid Ref: E: 545873 N: 169778

Applicant : Mr Craig Nash

Description of Development:

Two storey side extension

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 17

Proposal

It is proposed to add a two storey extension to the side of this property which would provide a 0.9m separation to the eastern flank boundary. The extension would be set in line with the front and rear elevations of the dwelling, and it would have a pitched roof to match the existing.

No windows or doors are proposed in the flank elevation of the extension.

Location and Key Constraints

This semi-detached dwelling is located on the northern side of Whitewebbs Way, and lies adjacent to an open grassed area which fronts the road, and the rear boundary of No.16 Whitewebbs Way

The surrounding area is residential in nature and comprises a mixture of semi-detached and terraced housing.

Comments from Local Residents and Groups

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

Support

- The proposals would enhance the quality of the build and appearance in the immediate vicinity

- No concerns are raised by occupiers of two properties opposite the site
- The property is considered suitable for a two storey side extension.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- b) 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
- c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

H9 Side space

BE1 Design of new development

Draft Local Plan

6 Residential Extensions
8 Side Space
37 General Design of Development

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

There is no relevant planning history relating to the application site.

Considerations

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

- Design
- 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 H9 of the UDP requires a minimum 1m side space to be maintained to the flank boundary of a property for the full height and depth of the extension in order to prevent a cramped appearance and unrelated terracing from occurring.

The proposals would not comply with Policy H9 as the separation provided to the flank boundary would be only 0.9m rather than the required minimum of 1m. However, the dwelling is situated at the end of a row of semi-detached and terraced dwellings and does not lie immediately adjacent to another dwelling. The nearest dwelling at No.16 is located approximately 12m away to the north-east, and lies at an angle to the application property. In addition, the terrace of dwellings on the opposite side of Whitewebbs Way currently extends further to the east, and the addition of a two storey side extension at No.18 would not therefore appear cramped or detrimental to the spatial standards of the surrounding area.

Having regard to the form, scale and siting, it is considered that the proposed extension would complement the host property and would not appear out of character with surrounding development or the area 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 proposed two storey extension would not extend to the front or rear of the existing dwelling, and it would be set some distance away from the nearest dwelling at No.16. No windows or doors are proposed in the flank elevation of the extension, and there would not therefore be any loss of outlook or privacy to neighbouring properties.

Having regard to the scale, siting, separation distance and orientation 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 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 and spatial standards of the 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: 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 of the 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** The additional accommodation shall be used only by members of the household occupying the dwelling at 18 Whitewebbs Way, Orpington, and shall not be severed to form a separate self-contained unit.

Reason: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and un-associated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

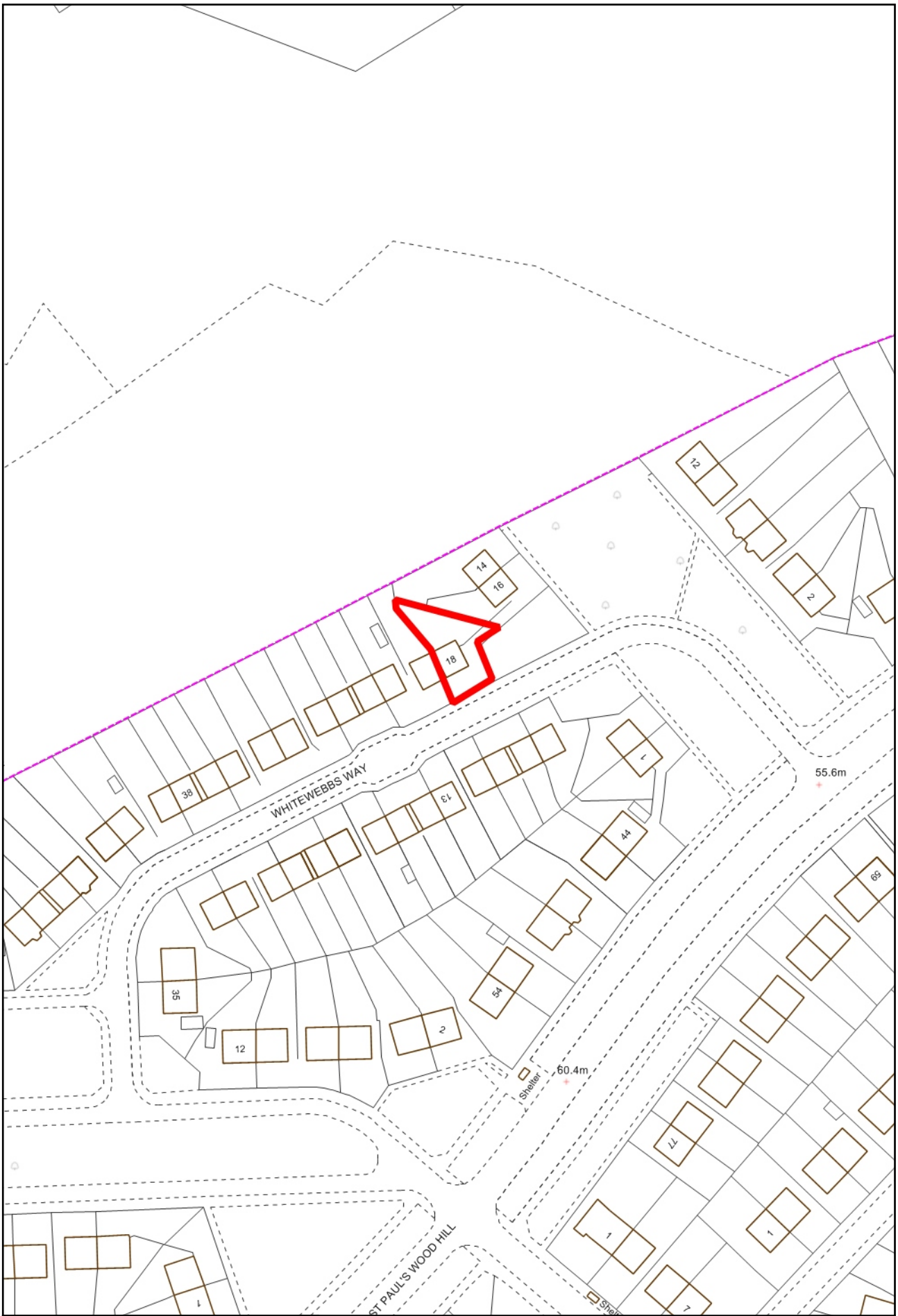
- 4** The materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.

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.


- 5** No windows or doors (other than those shown on the plans hereby approved) shall at any time be inserted in the eastern flank elevation of the extension hereby permitted.

Reason: In the interest of the amenities of the adjacent properties and to comply with Policy BE1 of the UDP.

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