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DATE: 2 June 2020

To: Members of the
PLANS SUB-COMMITTEE NO. 1

Councillor Alexa Michael (Chairman)
Councillor Angela Page (Vice-Chairman)
Councillors Kathy Bance MBE, Katy Boughey, Kira Gabbert, Christine Harris,
Tony Owen, Will Rowlands and Suraj Sharma

A meeting of the Plans Sub-Committee No. 1 will be held at Bromley Civic Centre on
THURSDAY 11 JUNE 2020 AT 6.00 PM

PLEASE NOTE: This is a 'virtual meeting' and a link will be available on the Council website to enable members of the press and public to see and hear the Sub-Committee. The link will be published before the start of the meeting.

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 e-mail rosalind.upperton@bromley.gov.uk (telephone: 020 8313 4745) or committee.services@bromley.gov.uk

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 20 FEBRUARY 2020 AND THE NOTES OF DECISIONS TAKEN UNDER DELEGATED POWERS FOR THE CANCELLED MEETING OF 16 APRIL 2020.
(Pages 1 - 12)

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	Penge and Cator Conservation Area	13 - 22	(20/00765/FULL6) - 29 Lennard Road, Penge, SE20 7LX
4.2	Clock House	23 - 34	(20/01037/FULL1) - 6 Queens Road, Beckenham BR3 4JW

SECTION 3

(Applications recommended for permission, approval or consent)

Report No.	Ward	Page No.	Application Number and Address
4.3	Hayes and Coney Hall	35 - 48	(05/03149/RECON) - 74 West Common Road, Hayes, Bromley, BR2 7BY.
4.4	Petts Wood and Knoll	49 - 64	(19/05118/FULL1) - Villa May, Lakeswood Road, Petts Wood, Orpington, BR5 1BJ

SECTION 4

(Applications recommended for refusal or disapproval of details)

Report No.	Ward	Page No.	Application Number and Address
4.5	Chislehurst Conservation Area	65 - 70	(20/00556/TPO)- 5 Oakleigh Park Avenue, Chislehurst BR7 5PB
4.6	Chislehurst	71 - 80	(20/01232/TPO) - 24 Hill Close, Chislehurst BR7 6HY

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
6.1	West Wickham	81 - 88	Confirmation of Tree Preservation Order No. 2684 - West Wickham Methodist Church, Hawes Lane, West Wickham, BR4 9AA
6.2	Petts Wood and Knoll	89 - 98	Confirmation of Tree Preservation Order No. 2687 - 40 Silverdale Road, Petts Wood, BR5 1NJ

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PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 7.00 pm on 20 February 2020

Present:

Councillor Alexa Michael (Chairman)
Councillor Angela Page (Vice-Chairman)
Councillors Kathy Bance MBE, Kira Gabbert, Christine Harris,
Tony Owen, Will Rowlands, Suraj Sharma and Kieran Terry

Also Present:

Councillors Pauline Tunnicliffe, Russell Mellor and
Melanie Stevens

27 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Katy Boughey; Councillor Kieran Terry attended as substitute.

28 DECLARATIONS OF INTEREST

Councillor Kira Gabbert declared a non-pecuniary interest in Item 4.3 as she was a personal friend of the applicant and a client of the applicant's business. Councillor Gabbert remained in the room but took no part in the discussion or vote.

Councillor Kathy Bance declared a non-pecuniary interest in Item 4.5 as she was the Chairman of the Board of Trustees for the food bank in Penge. Councillor Bance remained in the room but took no part in the discussion or vote.

29 CONFIRMATION OF MINUTES OF MEETING HELD ON 19 DECEMBER 2019

RESOLVED that the Minutes of the meeting held on 19 December 2019 be confirmed and signed as a correct record.

30 PLANNING APPLICATIONS

SECTION 2

(Applications meriting special consideration)

30.1 KELSEY AND EDEN PARK

(18/00103/ELUD) - Land at junction with South Eden Park Road and Bucknall Way, Beckenham.

Description amended to read:- 'Use of land shown coloured yellow, red and white on the submitted drawing ref. 15124 S103 J for the storage of cars or for the parking of cars or as a car park in association with car dealerships. Lawful Development Certificate (Existing).'

A large scale map of the one shown on page 14 of the report had been circulated to Members.

The Planning Officer reported that evidence existed that the land hatched red, white and yellow on the map had been in continued use for a period of 10 years.

Members having considered the report and objections, **RESOLVED that a Lawful Development Certificate be granted with modification as set out in recommendation 1 of the report of the Assistant Director, Planning.**

**30.2
KELSEY AND EDEN PARK**

**(19/03574/FULL1) - 103 Kenwood Drive,
Beckenham, BR3 6RA**

Description amended to read:- 'Construction of a two storey 3-bedroom detached house with off-street parking on land adjacent to 103 Kenwood Drive, Beckenham.'

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

**30.3
BROMLEY COMMON AND
KESTON**

**(19/04420/FULL1) - 4 Hawksmoor Grove, Bromley
BR2 9GN**

Description of application – Use of outbuilding in the rear garden as a beauty room RETROSPECTIVE.

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

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning with conditions 3 and 4 deleted and conditions 5 and 8 amended to read:-

'5 The use shall not operate on any Sunday or Bank Holiday, Christmas Day or Good Friday nor before 9am or after 5pm on any other day.'

'8 The back gate to the rear of the application site must not be used to access or egress the outbuilding in connection with the business use.'

**30.4
COPERS COPE**

**(19/04788/FULL1) - 51 Foxgrove Road,
Beckenham, BR3 5BB**

Description of application – Demolition of the existing property and detached garage and construction of replacement part one/two/three storey 5 bedroom dwelling with roof terraces and associated development including detached garden shed, refuse enclosure, formation of parking and turning area with erection of front and side boundary walls and electric sliding gates adjacent to existing access onto Foxgrove Avenue.

Oral representations in support of the application were received. Oral representations from visiting Ward Member Councillor Russell Mellor were also received at the meeting. Councillor Mellor reported that local residents' had raised serious concerns in regard to the application.

Members having considered the report, objections and representations, **RESOLVED that the application BE REFUSED** as recommended, for the reasons set out in the report of the Assistant Director, Planning.

**30.5
BROMLEY COMMON AND
KESTON**

**(19/04799/FULL1) - Al-Emaan Centre, Croydon
Road, Keston, BR2 8HF**

Description of application – Retrospective planning application for a glazed screen located under an existing canopy, creating an external storage area.

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

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

1 The proposed additional floorspace and increase in the capacity of the building constitutes inappropriate development within the Green Belt, harmful to its openness and character and no very special circumstances are considered to exist to warrant the setting aside of normal policy considerations. The

proposal is therefore contrary to Policy G1 of the Unitary Development Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework.

It was **FURTHER RESOLVED** that **ENFORCEMENT ACTION BE AUTHORISED** to remove the structure.

SECTION 3

(Applications recommended for permission, approval or consent)

30.6 ORPINGTON

(18/04454/FULL1) - St Olave's Grammar School, Goddington Lane, Orpington, BR6 9SH

Description of application – Removal of existing tennis courts and sports pitch. Formation of artificial Multi use Games Area (MUGA); including community use/lettings, surrounded by 3m high earth bunds (to northern and eastern sides) 4.5m high weld-mesh fencing and gates, 8 x 12m high dual spot light columns (total 16 spot lights) and associated hard surfacing for pedestrian footpaths, storage areas, storage cabinet and 13 parking spaces including 2 accessible spaces and a minibus parking/drop-off area. (Additional submitted document: Letting Statement and amended description of development.)

Oral representations in objection to and in support of the application were received. Oral representations from visiting Ward Member Councillor Pauline Tunncliffe were also received at the meeting.

Written comments from Ward Member Councillor William Huntington-Thresher had been received and circulated to Members.

It was reported that further objections, similar to those already contained in the report had been received. A letter from the Education Department in support of the application had been received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE GRANTED** subject to any Direction by the **Secretary of State** as recommended and subject to the conditions and informatives set out in the report of the Assistant Director, Planning with condition 16 amended to read:-

'16 The facilities hereby permitted shall only be used by members of the general public between the following hours:

School Term-time

1700 hours to 2100 hours on Monday to Friday

0900 hours to 1800 hours on Saturdays

At no time on Sundays and Bank Holidays

School Holidays

0900 hours to 2100 hours on Monday to Friday

0900 hours to 1800 hours on Saturdays

At no time on Sundays and Bank Holidays

Reason: In order to prevent overdevelopment of the site, to manage the highway, transport and parking impacts and in the interests of protecting the residential amenities of neighbouring properties within the area and in order to comply with Policy 37 of the Bromley Local Plan 2019.

**30.7
PENGE AND CATOR**

**(18/04528/RECON) - 45 Whateley Road, Penge,
SE20 7NE**

Description of application – Variation condition 2 (Construction and Environmental Management Plan) of permission 18/04528/FULL1 granted for the formation of a new 1 person studio flat at second floor level to allow the provision of a construction management plan for the on-going implementation of that permission.

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

Written comments from Ward Member Councillor Kevin Brooks in objection to the application had been received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that the VARIATION OF CONDITION BE GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

**30.8
CHISLEHURST**

**(19/04254/FULL6) - 50 Elmstead Lane, Chislehurst,
BR7 5EQ**

Description of application – Demolition of existing garage and construction of a single storey front/side

extension, part one/two storey side/rear extension, single storey side extension, first floor balcony at rear, front porch, elevational alterations including alterations to existing front bay windows and construction of single storey detached outbuilding at rear.

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

Further photographic documentation from the applicant had been received and circulated to Members.

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 Assistant Director, Planning with the addition of a further two conditions to read:-

6 No primary cooking shall be provided within the proposed single storey annexe building at any time.

Reason: In order to comply with Policies 6, 7 and 37 of the Bromley Local 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.

7 Before the development hereby permitted is first occupied, the proposed windows in the southern flank elevation of the two storey side extension 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 windows shall subsequently be permanently retained as such.

Reason: In the interests of protecting residential amenity in accordance with Policy 37 of the Bromley Local Plan.

**30.9
PENGE AND CATOR**

(19/04972/FULL1) - 3 Wiverton Road, Sydenham, SE26 5JA

Description of application – Demolition of existing garage and erection of a two storey building (with

accommodation in the roof) to provide 1 no. three bed house, together with associated landscaping, bin and cycle store.

A letter of support from the applicant's agent had been received and circulated to Members.

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

The meeting ended at 9.00 pm

Chairman

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PLANS SUB-COMMITTEE NO. 1

Meeting scheduled for 16 April 2020

Councillor Alexa Michael (Chairman)
Councillor Angela Page (Vice-Chairman)
Councillors Kathy Bance MBE, Kira Gabbert, Christine Harris,
Tony Owen, Will Rowlands and Suraj Sharma

Also

Councillors Simon Fawthrop and Gary Stevens

In line with current planning protocol, the Assistant Director (Planning and Building Control) will make decisions on the applications that were due to be considered by the Plans 1 Sub-Committee at the cancelled meeting on 16 April, having considered the following recommendations from Sub-Committee Members and comments submitted by Councillors and members of the public.

DECLARATIONS OF INTEREST

Councillors Kira Gabbert, Christine Harris and Suraj Sharma declared a personal interest in Item 1 as the applicant was known to them.

1
KELSEY AND EDEN PARK **(19/00963/FULL1) - 96 Wickham Road, Beckenham, BR3 6QH**
Description of application – Change of Use from Retail (Use Class A1) to Retail/Café/Restaurant (Use Class A1/A3).

RECOMMENDED that **PERMISSION** be **GRANTED**, as recommended, subject to the conditions and informative set out in the report of the Assistant Director, Planning and Building Control with the removal of duplicated Conditions 1, 2 and 3.

2
KELSEY AND EDEN PARK CONSERVATION AREA **(20/00429/FULL6) - 33 Greenways, Beckenham, BR3 3NQ**
Description of application – First floor side extension with half hip roof.

RECOMMENDED that be **REFUSED**, as

recommended, for the reason set out in the report of the Assistant Director, Planning and Building Control.

**3
HAYES AND CONEY HALL**

(05/03149/RECON) - 74 West Common Road, Hayes, Bromley, BR2 7BY.

Description of application – Removal of condition 2 of permission 05/03149/FULL6 granted for the construction of a detached garage to allow conversion of part of the garage to habitable accommodation for use as a 'granny annexe' ancillary to the host dwelling at No. 74 West Common Road. RETROSPECTIVE.

Members voted to request that the Assistant Director (Planning and Building Control) refuse planning permission on the grounds of unacceptable risk of severance and use as a self-contained dwelling, which would set an undesirable pattern for similar development in the area.

THE ASSISTANT DIRECTOR (PLANNING AND BUILDING CONTROL) DEFERRED THE APPLICATION, WITHOUT PREJUDICE, FOR FURTHER CONSIDERATION.

**4
PENGE AND CATOR**

(19/03380/FULL6) - 37 Woodbastwick Road, Sydenham, London

Description of application - Demolition of garage, single storey side and rear extension.

DECISION DELEGATED TO HEAD OF DEVELOPMENT MANAGEMENT

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director (Planning and Building Control).

**5
PETTS WOOD AND KNOL**

(19/05118/FULL1) - Villa May, Lakeswood Road, Petts Wood, Orpington, BR5 1BJ

Description of application – Two storey side extension, single storey rear extension, alterations to roof and conversion to form 5 flats (3x1 bedroom and 2x2 bedroom) with associated car parking,

refuse/cycle storage, amenity areas and landscaping, and widening of existing vehicular access.

Members voted to request that the Assistant Director (Planning and Building Control) refuse planning permission on the grounds that the proposal would result in cramped overdevelopment of the site by reason of bulk and size, which would be out of character with the area. Concerns were also raised with regard to road safety given local knowledge of accidents that have occurred in the vicinity of the site.

THE ASSISTANT DIRECTOR (PLANNING AND BUILDING CONTROL) DEFERRED THE APPLICATION, WITHOUT PREJUDICE, FOR FURTHER CONSIDERATION.

**6
CHISLEHURST
CONSERVATION AREA**

(20/00089/FULL6) - 9 Sturges Field, Chislehurst, BR7 6LG

Description of application – Demolition of conservatory and construction of single storey side and rear extension, first floor side extension incorporating a front dormer, side dormer enlargement of existing side dormer and elevational alterations.

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, (Planning and Building Control).

**7
CHISLEHURST
CONSERVATION AREA**

(20/00165/FULL6) - 35 Heathfield, Chislehurst, BR7 6AF

Description of application - Single storey side/rear extension, first floor side extension, new front porch and elevational alterations including replacement of red tiled cladding with grey render finish and removal of Tudor style cladding at first floor to be replaced with black stained timber strip cladding.

RECOMMENDED that **PERMISSION** be **GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, (Planning and Building Control).

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Agenda Item 4.1

Committee Date	11.06.2020	
Address	29 Lennard Road London SE20 7LX	
Application Number	20/00765/FULL6	Officer - Louisa Bruce
Ward	Penge And Cator	
Proposal	Single storey rear extension and fenestration alterations.	
Applicant	Agent	
Mrs Stephanie Casey	Mr Javier Castillo	
29 Lennard Road Beckenham SE20 7LX	134 Finsborough Road London SW10 9AQ	
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Adjacent Alexandra Cottages Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 33</p>

Representation summary	A site notice was displayed on 6 th March 2020 for a period of 21 days. Adjoining owner letters were sent on 6 th March 2020.	
Total number of responses		1
Number in support		0
Number of objections		1

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the area
- The character and appearance of the area would be preserved
- The development would not adversely affect the amenities of neighbouring residential properties

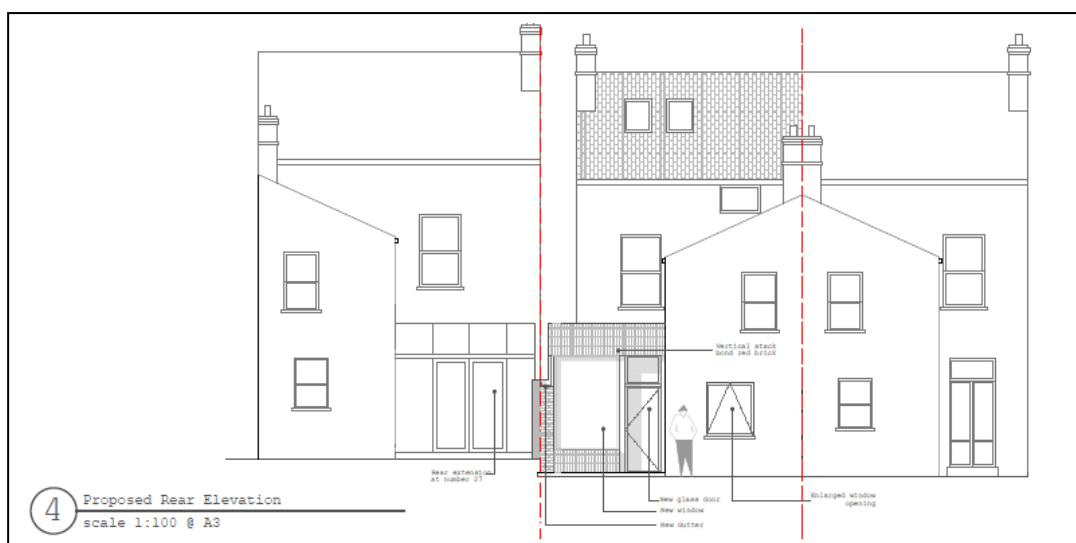
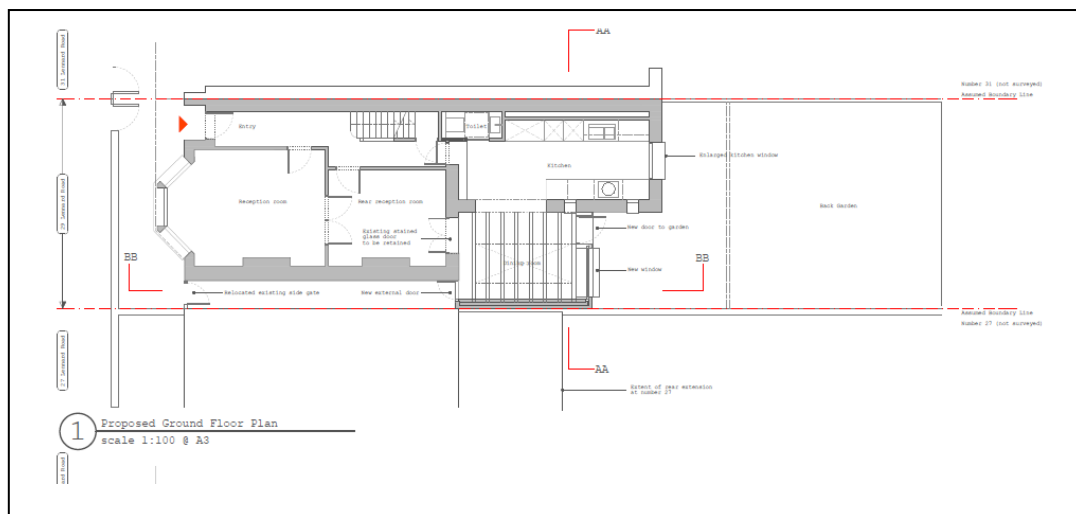
2 LOCATION

- 2.1 The application site comprises a two storey semi-detached property mid-terraced located on the southern side of Lennard Road, Penge. Properties in the area are primarily residential in nature and are of a similar architectural style with the exception of the neighbouring property (No.27) which is detached.
- 2.2 The property is not listed nor included in a conservation area. To the south of the site sits the Alexandra Cottages Conservation Area.



3 PROPOSAL

- 3.1 Planning permission is sought for a single storey rear infill extension to create a dining room at the property. The rear extension would have a window and a door in the rear elevation and a large glass rooflight in the ceiling.
- 3.2 The extension will be built using vertical stack bond red bricks, timber and have aluminium windows and doors. The extension measures 3.65m in height x 4.1m in depth.
- 3.3 The Design and Access Statement sets out that in order to avoid a maintenance issue trap for leaves and debris and a potential location for rain water ingress, the design of the extension steps away from the party wall on the boundary of 27 Lennard Road and 29 Lennard Road. This results in a reduction of the volume of the extension and avoids any potential problems at the party wall interface (for example, this step back would allow not disruption to the tall glaze side extension of 27 Lennard Road).
- 3.4 The application is accompanied by a Design and Access Statement.



4 RELEVANT PLANNING HISTORY

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

5 CONSULTATION SUMMARY

A) Statutory

No statutory consultee comments sought.

B) Local Groups

No letters of representation received from local groups.

C) Adjoining Occupiers

One letter of representation was received which can be summarised as follows:

- The applicant has now confirmed that the walls would join and that my windows would be obstructed due to the proximity of the proposed build. The submitted plan also indicates a gap between the walls. This proposal is not reasonable.
- According to the submitted scale drawings, the side wall of the extension would only be around 20-30cm away from my windows and be of a solid material. This would prevent sun and light from coming in and also obstruct the outlook.
- This gap is also insufficient for access for any maintenance.
- The proposed roof is flat, high and would extend above and beyond the end of my conservatory and would be dominant and intrusive.
- This extension would have a hugely negative effect on our home in terms of livability, removal of natural light, value and sound privacy. Due to the current Covid-19 situation, you are not able to conduct a site visit as would happen normally which I feel would support my points.
- The scale, form and materials do not complement the houses. I have included a photo of the previous glazed conservatory at No. 29 (shot 6) which is far more in keeping with the area and property in terms of size, materials used and design. This fully incorporated the full height of the double doors from the rear reception without being intrusive to the surrounding area or neighbouring properties.
- The proposed extension is at odds with this section as it would completely eradicate the space/gap between the two houses and close off easy through access via the passageway. These would also detract from the character of the area.

- I believe that the proposed extension also contravenes the 45 degree rule in relation to my windows. The extension would create dominance.
- The extension will prevent daylight and sunlight from penetrating into my property. The rear of my house would lose a lot of light due to the large wall that would extend above and beyond my conservatory.
- It does not respect the amenity of my home. It would create noise and disturbance as our previously detached property would be joined to another house and be affected by sound pollution. Similarly I do not wish to be worried about any noise I make being transferred to No.29. Also the extension would create a high degree of overshadowing to my property.

Neighbours concerns (addressed in para 7.2)

6 POLICIES AND GUIDANCE

- 6.1 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.
- 6.2 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.
- 6.3 The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.4 The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.
- 6.5 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.
- 6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan
- 6.7 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this

stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

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

6.9 National Policy Framework 2019

6.10 The London Plan

- 6.13 Parking
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture

6.11 Draft London Plan

- D1 London's form and characteristics
- D4 Delivering good design
- D5 Inclusive design

6.12 Bromley Local Plan 2019

- 6 Residential Extensions
- 30 Parking
- 37 General Design of Development

6.13 Bromley Supplementary Guidance

- Supplementary Planning Guidance 1 - General Design Principles
- Supplementary Planning Guidance 2 - Residential Design Guidance

7 ASSESSMENT

7.1 Design – Layout, scale – Acceptable

7.1.1 Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary design guidance seek to ensure that new development are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development. This is supported by Policies 7.4 and 7.6 of the London Plan.

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

7.1.3 The proposed extension would be subservient to the main dwelling and will be contained to the rear, thus will not be visible from the street scene. It is shown to be finished in brickwork and tiles, with aluminium windows and doors. Accordingly, having regard to the form, scale, siting and proposed materials 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.

7.2 Residential Amenity – Acceptable

7.2.1 Policy 37 of the Bromley Local Plan, which relates to the General Design of Development, seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance. This is supported by Policy 7.6 of the London Plan.

7.2.2 The main impact of the single storey rear infill extension will be the occupiers of the adjoining property, No.29. No.29 is a detached two storey property with an existing single storey rear conservatory. A letter of objection has been received from this neighbour with their main objections being; the proximity of the infill extension to the boundary, the solid nature of the brick built structure and the impact this will have in terms of preventing daylight and sunlight into their own extension and roof height which will be dominant.

7.2.3 The proposed extension includes a rearward projection of 4.1m along the boundary with No. 29. The extension is set in from boundary with a brickwall providing a small element of relief from the neighbours conservatory and the new extension at No.27. As such the proposed extension will project 4.1m from the rear of this neighbouring property with a height of approximately 3.65m. No windows or doors are proposed in the flank elevation facing No. 29 and as such there does not appear to be any issues with regards to overlooking.

7.2.4 The height of the structure will measure 3.65m, however, looking at the proposed elevations it will mirror the height of the neighbours existing conservatory. The side wall of the conservatory forms / adjoins the party wall and is brick up to 2.1m high with a high-level glazing window above reaching 3.6m. The roof and rear elevation of the conservatory are glazed. The orientation of the plot means both properties' gardens face south. 29 Lennard Road already extends at the rear by two storeys (part of the building's original built form) and there is a relatively high brick boundary wall (2.1m), so the conservatory is in shade until around mid-morning. When the sun is higher in the sky by late morning, and through the rest of the day, the proposed extension would have no impact on any neighbours as the sun has moved around.

The agent has submitted a sketch drawing showing how the extension would not contravene the 45 degree rule, as shown on supporting drawing (ref. 2001_00_Skecth_45).

7.2.5 The extension will not join the two properties however the brick built extension will be visible to the neighbour when they stand in their conservatory. No.10 would suffer from some loss of outlook as a result of the extension but it is not considered that the height and depth adjacent to the common boundary with this property would result in a significant loss of amenity to warrant the refusal of the application.

8 CONCLUSION

8.1 Having regard to the above, the development in the manner proposed is acceptable in that it would preserve the character and appearance of the area and not harm the amenities of neighbouring residential properties.

8.2 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.

8.3 Conditions are recommended to secure the permission.

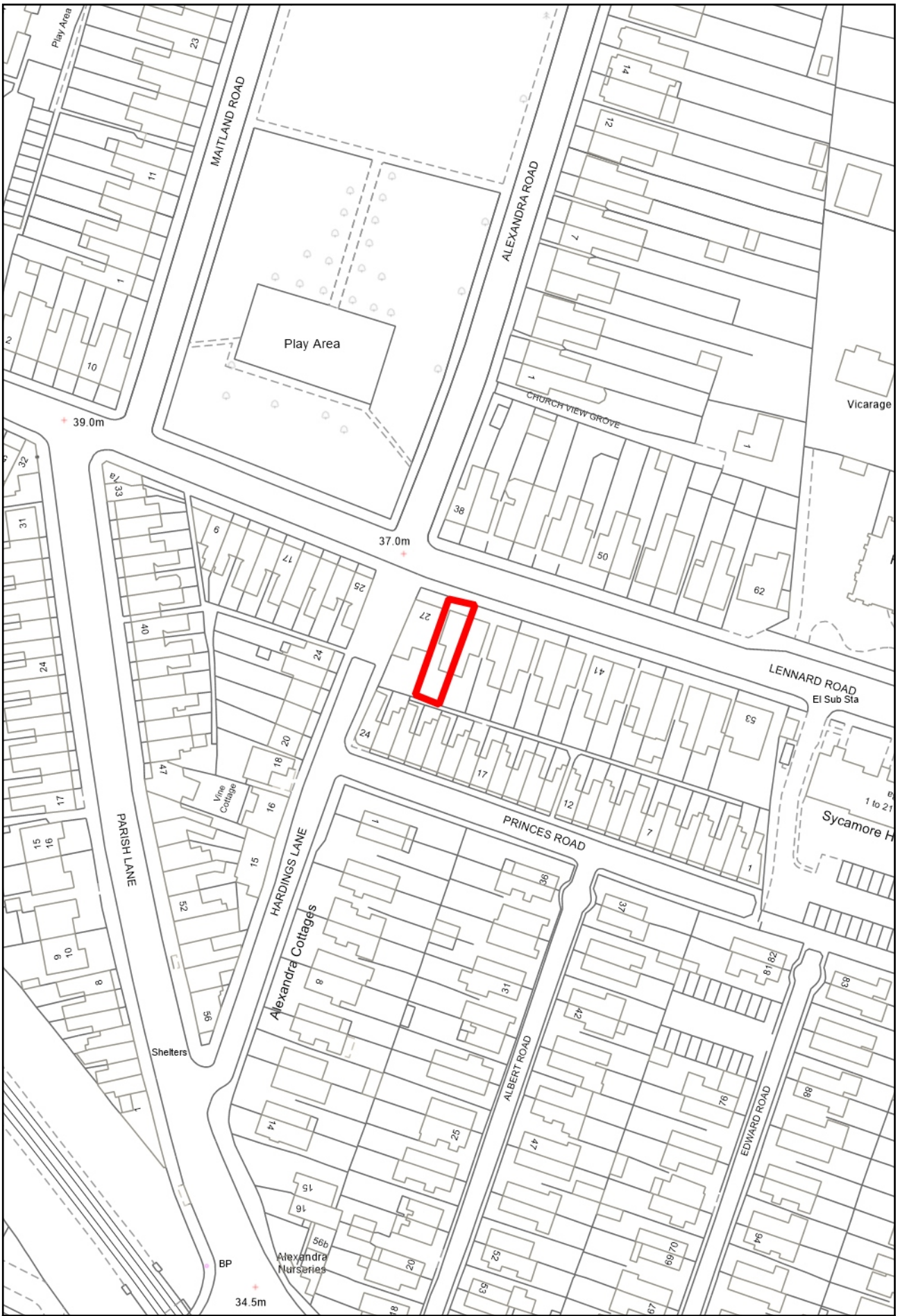
RECOMMENDATION: Application Permitted

Subject to the following conditions:


- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Matching materials**


Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives



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20/00765/FULL6



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Agenda Item 4.2

Committee Date	11.06.2020	
Address	6 Queens Road Beckenham BR3 4JW	
Application Number	20/01037/FULL6	Officer - Joanna Wu
Ward	Clock House	
Proposal	Single storey rear extension (RETROSPECTIVE)	
Applicant	Agent	
Mr Simon Coleman	Mr Gary Edwards	
6, Queens Road Beckenham BR3 4JW	83 Clock House Road Beckenham BR3 4JU United Kingdom	
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes

RECOMMENDATION	PERMISSION
-----------------------	-------------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 15</p>
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Representation summary	Neighbouring properties were notified of the application by letter dated 23.03.2020	
Total number of responses		5
Number in support		4
Number of objections		1

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Prior approval has previously been granted for an extension and this is a material consideration for this retrospective application;
- The development would not result in a harmful impact on the character and appearance of the area.

2 LOCATION

2.1 The application site includes a three storey end-of-terrace dwelling which is located on the west side of Queens Road Beckenham. The existing extension has a depth of 6m, a width of 7.3m, a total height of 3.2m with a parapet wall of 3.5m high.

2.2 The extension was built following submission of a prior approval application (planning ref: 18/04031/HHPA) for a single storey rear extension with a depth of 6m and a maximum height of 3m which received no neighbouring objections.

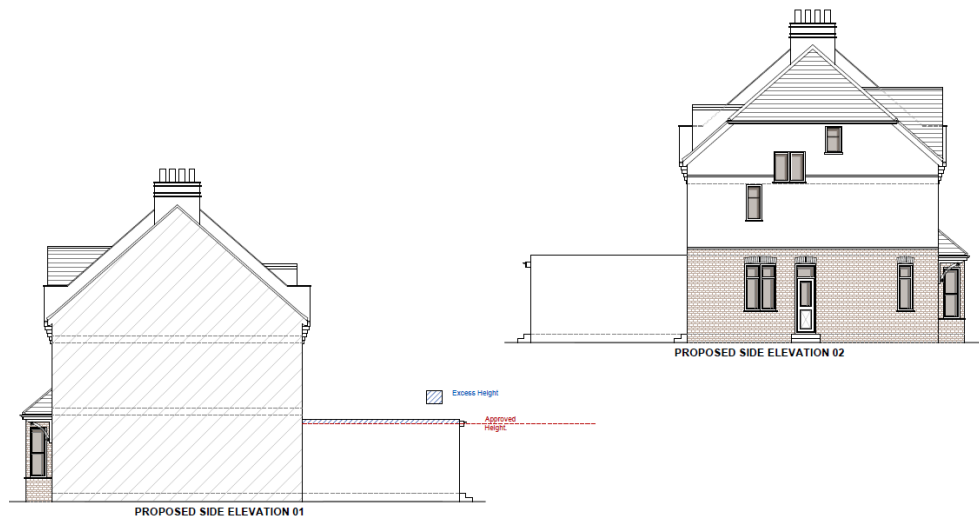
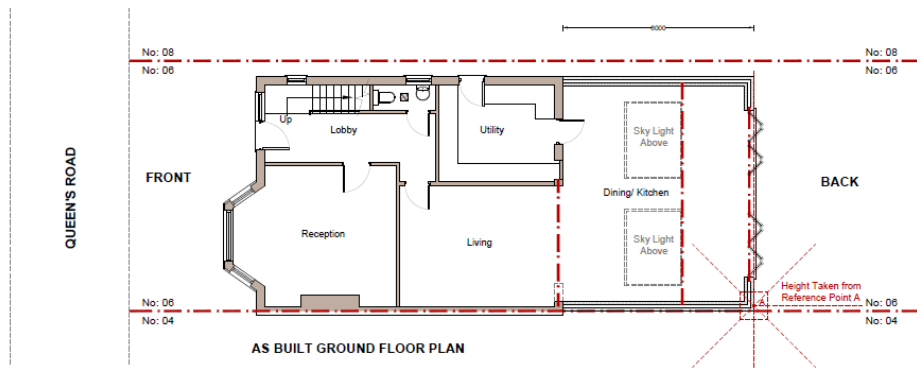
2.3 The site does not lie within any conservation area and the property is not a listed building. The character of the area is residential in nature.



3 PROPOSAL

3.1 This is a retrospective planning application for the retention of the single storey rear extension, measuring 6m deep, 7.3m wide and 3.2m high with a 2 rooflights.

3.2 In the submitted planning statement, the applicants have confirmed that the existing parapet wall which is 3.5m high would be removed.



4 RELEVANT PLANNING HISTORY

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

4.2 Under planning ref. 18/04031/HHPA, a prior approval permission was granted for a single storey rear extension, extending beyond the rear wall of the house as

existing by 6m, for which the maximum height would be 3m, and for which the height of the eaves would be 2.75m.

5 CONSULTATION SUMMARY

A) Statutory

No consultees were contacted for comment on the application.

B) Local Groups

No local groups were commented to the application.

C) Adjoining Occupiers

Objections

- Inaccuracy of the plans;
- Loss of light;
- Overbearing;
- the visual impact due to the overbearing size of the boundary wall;
- the extension is unlawful - contrary to Article 3(5) of the Town and Country Planning Act 2015
- The prior approval/permitted development scheme can no longer form a fall-back position. Article 3(5) of The Town and Country Planning (General Permitted Development) Order 2015 (GDPO) clearly states that permitted development rights do not apply "if in the case of a permission granted in connection with an existing building, the building operations involved in the construction of that";
- Similar rear extensions have been refused in the area.

There are four letters of support have been received after the neighbouring notification period.

D) Legal team consultation

- Our legal team has been consulted and it will be further discussed under "Principle – Legal considerations" in the "Assessment" section.

6 POLICIES AND GUIDANCE

6.1 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.

- 6.2 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.
- 6.3 The Development Plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.
- 6.4 The 'Intend to Publish' version of draft London Plan (December 2019) is also a material consideration in the determination of this planning application.
- 6.5 The draft new London Plan was submitted to the Secretary of State (SoS) on 9 December 2019, following the Examination in Public which took place in 2019. This is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.
- 6.6 The London Assembly considered the draft new London Plan at a plenary meeting on 6 February 2020 and did not exercise their power to veto the plan.
- 6.7 Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.
- 6.8 The application falls to be determined in accordance with the following policies:-
- 6.9 **National Policy Framework 2019**
- 6.10 **The London Plan**
- 7.4 Local character
 - 7.6 Architecture
- 6.11 **Draft London Plan**
- D1 London's form and characteristics
 - D4 Delivering good design
 - D5 Inclusive design
- 6.12 **Bromley Local Plan 2019**
- 6 Residential Extensions
 - 37 General Design of Development
- 6.13 **Bromley Supplementary Guidance**

7 ASSESSMENT

7.1 Principle – Legal considerations

- 7.1.1 The submission of this application follows the previous submission of a prior approval application (planning ref: 18/04031/HHPA). The prior approval permission was for a single storey rear extension with a depth of 6m and a height of 2.75m with a flank parapet wall of 3m height. No neighbouring objections were received at the time of the application. However, the extension that was built differs from the permitted development as the height of the extension is 3.23m with a parapet wall of 3.5m. In the plans submitted with the current application, the applicants show that the parapet wall will be removed, so that the total height of the extension would be 3.23m.
- 7.1.2 Officers have received objections from the neighbour who also submitted a letter from their solicitors outlining their concerns about the extension. The neighbour considers that the existing extension should be considered as “unlawful” development, given that it was not built in accordance with the approved plans submitted as part of the previous prior approval application (planning ref: 18/04031/HHPA). Their view is that this means that the previously approved scheme should not be considered as the “fall-back” position.
- 7.1.3 As part of the assessment of this application, the Council’s legal team has been consulted. The views from the legal team are in broad terms, they agree with the neighbour’s point that technically, if a person builds outside the permitted development entitlement then that person is building without planning permission.
- 7.1.4 However, the legal team further commented that in this case, that the key issue and consideration is to establish the intention of the applicants when they built the extension, i.e. whether they had built the extension higher than approved by error or if the applicants aimed from the outset to build the extension as eventually constructed. The implication of the latter scenario would mean that the 2018 prior approval scheme would not be a material consideration in determining the current application.
- 7.1.5 In addition, the legal considerations when assessing a fall back have recently been considered by the Court of Appeal in *Mansell v Tonbridge*. The benchmark in fact has been set quite low. The Court said that while there has to be a real prospect of the fall back being implemented, it does not have to be probable or likely, a possibility will suffice.
- 7.1.6 The applicants also provided additional information to explain the circumstances of how the extension was built higher than shown in the plans and why they cannot reduce the height of the extension further from 3.23m to 3m.

“As per our architects plans (Oct 2018), which show a 3m x 6m extension, this is what we set out and fully expected to build. The 6m depth was adhered to, and we had no desire or need (at the time) for a height of more than 3m. Unfortunately, due to a building error and the addition of warm deck insulation, the height exceeded the 3m limit.

We were unaware of this for two main reasons:

- We did not measure the extension as it progressed – we trusted everything was in order. In fact, had our neighbours not flagged the breach I doubt we would be aware of it now.*
- Our eldest daughter was just out of hospital and our full attention was on her, not the height of the extension*

When the breach was flagged to us by our neighbours we immediately addressed the matter and, at significant cost (extra steels, internal ceiling adjustments and labour), reduced the height as much as possible. Had it not been for the doors and kitchen, which were already in manufacture based on the existing measurements, we would have been able to meet the 3m height. The main reason the height cannot be brought down to 3m is because of the floor to ceiling glass doors (see picture), which were already in production and couldn't be altered in size when the issue came to light. The doors are supported by the steel which sits directly above them as in the picture.”

“We have done everything we can to reduce the height as much as possible, including fitting new steels. The only way to further reduce the height is to completely remove the roof and install smaller doors, along with part of the kitchen.

The estimated cost for this is upwards of £60k (approximately half of the original building cost) to allow for new doors, part of the kitchen, new skylights, and labour and materials, which we simply cannot afford.

If this was to happen the extension would be left without a roof and doors, and would therefore be uninhabitable.”

7.1.7 Officers are of the view that it would be difficult, at this stage, to prove the applicants' original intention when they built the rear extension were to deliberately build beyond their permitted plans. Nevertheless, having carefully assessed and considered this application and the supporting statement provided by the applicants, it is the officer's view that the bulk and scale of the extension that has been built is very similar to the approved scheme (planning ref: 18/04031/HHPA). The only difference is that the height of the extension has been increased by just under 0.5m, from 2.75m to 3.23m. Also, in this retrospective application, the supporting statement highlights that they will remove the parapet wall, which currently stands at 3.5m.

7.1.8 In the supporting statement, the applicants state that in order to rectify and reduce the height of the extension to 3m, the floor-to-ceiling glass doors and the supporting steels in the rear elevation would have to be removed and

replaced. This would also require removal and replacement of the existing roof and other features such as the rooflight and internal alterations to door frames etc.

- 7.1.9 Members have to decide whether the request for the partial demolition and rebuilding of the extension is reasonable or not given that the height difference of the proposed height and the approved height is only 0.23m.
- 7.1.10 On balance, it is the officers' view that it was the applicants' original intention to build the extension in accordance with the approved plan and therefore, the prior approval application should be considered as a material consideration in determining this application. The applicants have made efforts to provide some remedy to reduce the height of the extension although it has not been possible to bring this down to the approved height without the need to carry out a significant level of works.

7.2 Design – Layout, scale - Acceptable

- 7.2.1 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.
- 7.2.2 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.3 London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area. Policy 37 of the Bromley Local Plan states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. Policy 6 of the Bromley Local Plan requires that the design and layout of proposals for the alteration or enlargement of residential properties will be required to comply with the following: (i) the scale, form and materials of construction should respect or complement those of the host dwelling and be compatible with development in the surrounding area and (ii) space or gaps between buildings should be respected or maintained where these contribute to the character of the area.
- 7.2.4 The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.
- 7.2.5 The rear extension would not be visible from the street and the extension has been finished in materials that match those of the host dwelling. It is noted that the extension is 6m deep and the parapet wall is 3.5m high with a flat roof of 3.2m height. In the submitted Planning Statement, the applicants have confirmed that the parapet wall would be removed. Also, the depth of the

extension has already been established in the previous planning application (planning ref: 18/04031/HHPA). Therefore, the proposal, on balance, is considered to be acceptable.

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

7.3 Residential Amenity - Acceptable

- 7.3.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.3.2 The neighbouring objections are noted. However, it is considered that the scale and bulk of the extension have already been established by the previous prior approval application (planning ref: 18/04031/HHPA) for which no neighbouring objections were received. In that scheme, the proposal was approved for a single storey rear extension with a depth of 6m and a height of 2.75m with a flank parapet wall of 3m height. The current extension's existing parapet wall would be removed and the total height of the extension would be 3.2m. Given that the height difference to the north elevation, facing No. 4, would be 0.2m higher than the approved proposal, it is considered that the current scheme, on balance, would not be adverse enough to warrant a refusal.
- 7.3.3 The neighbours have stated that the height of the existing extension is higher than the submitted plans. The applicants have confirmed that the extension measures 3.23m high from the rear wall of the host dwelling and then gradually reduces to 3.14m. In terms of the drainage arrangement after the removal of the parapet wall, the applicants have confirmed that the highest part of the southern elevation of the extension would incorporate a small lip to guide rainwater to the western end of the extension. Following the removal of the parapet on the northern elevation, an identical lip would be retained. This measure, combined with the slope of the roof, would prevent rainwater overflowing onto the neighbouring property. The neighbours argued that this would further increase the height of the extension, however, this "roof lip" is not significant in terms of adding to height of the roof.
- 7.3.4 Having regard to the scale and design of the development, it is considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would not arise.

8 CONCLUSION

- 8.1 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.

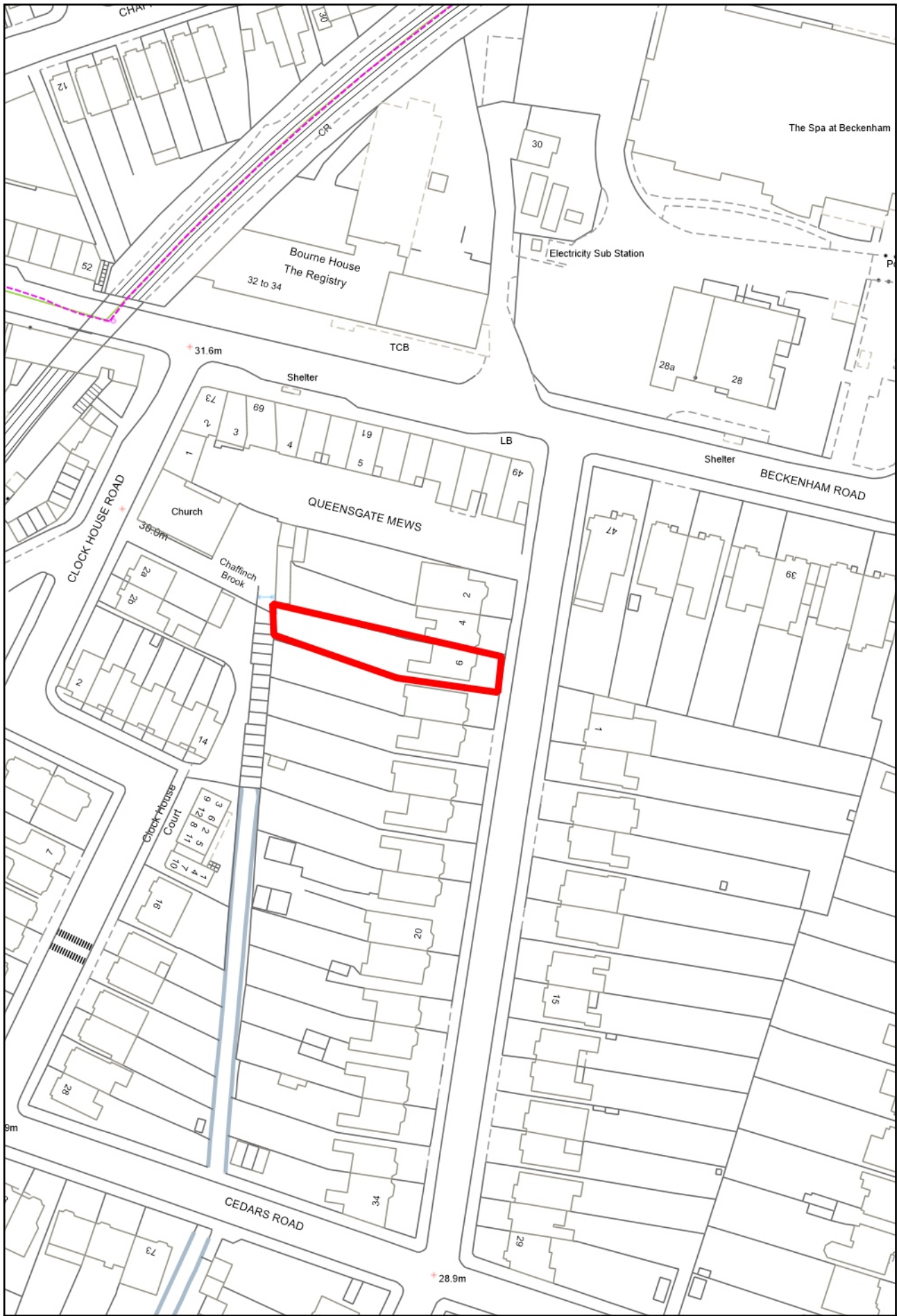
8.2 Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: Application Permitted


Subject to the following conditions:

1. **The demolition of the parapet wall on the north flank elevation, facing No. 4 Queens Road, as shown on drawing no: WN12, should be carried out within 6 months from the date of this Decision Notice and shall subsequently be permanently retained in accordance as such.**

Any other planning condition(s) considered necessary by the Assistant Director of Planning



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 20/01037/FULL6



02 June 2020

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Agenda Item 4.3

Committee Date	11/06/2020	
Address	74 West Common Road Hayes Bromley BR2 7BY	
Application Number	05/03149/RECON	Officer - Susanna Stevenson
Ward	Hayes And Coney Hall	
Proposal	Removal of condition 2 of permission 05/03149/FULL6 granted for the construction of a detached garage to allow conversion of part of the garage to habitable accommodation for use as a 'granny annexe' ancillary to the host dwelling at No. 74 West Common Road. RETROSPECTIVE	
Applicant	Agent	
Mr Steve Bainbridge		
74 West Common Road, Hayes, Bromley, BR2 7BY		
Reason for referral to committee	Significant Objections/Controversial	Councillor call in No

RECOMMENDATION	Application Permitted
-----------------------	-----------------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 51</p>

Land use Details		
Existing (as Approved 05/03149/FULL6)	Residential garage/storage	c. 38sqm
Proposed	Residential garage/annexe	c. 38sqm

Vehicle parking	Existing number of spaces (as approved)	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	2	1	-1

Representation summary	Site Notice displayed – expires 13 th April 2020 Letters to neighbouring residents		
Total number of responses	16		
Number in support	1		
Number of objections	15		

UPDATE

This application was reported under the protocol for planning decisions during the COVID-19 outbreak for consideration by Members on Thursday 16th April 2020. Members advised the Assistant Director that they were not in favour of the recommendation and advised that retrospective planning permission should not be granted. The report considered by Members is repeated below to enable further consideration.

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would have no significant impact on the residential amenities of the area
- No technical objections are raised to the conversion from a highways perspective
- No external alterations facing the roadway at the back are proposed

2. LOCATION



- 2.1 The application site lies on the western side of West Common Road and comprises an extended detached dwelling set within a generously deep plot, which backs onto Grove Close. Grove Close is an unmade private road. The site lies adjacent to a Conservation Area (i.e. land on the other side of West Common Road lies within the Bromley, Hayes and Keston Commons Conservation Area).

3. PROPOSAL

- 3.1 Planning permission was granted in 2005 under reference 05/03149/FULL6 for the construction of a detached garage fronting Grove Close, at the end of the host dwelling's rear garden.

- 3.2 Permission was granted subject to a condition (condition 2) which stated:

"The garage(s) hereby permitted shall be used solely for the accommodation of private motor vehicles and for purposes incidental to the dwelling(s), and shall not be converted to living accommodation without the prior approval in writing of the Local Planning Authority.

Reason: The storage of other vehicles (e.g. vans, lorries etc) or use for other purposes would conflict with Policy T.15 of the adopted Unitary Development Plan and Policy T3 of the second deposit draft Unitary Development Plan (Sept 2002), would be detrimental to the amenities of the neighbourhood, and conversion of the garage to living accommodation would deprive the property of adequate parking facilities.

- 3.3 The approved scheme incorporated two wide garage doors and a single access door leading onto a small hardstanding area in front of the garage. Subsequently a non-material amendment was approved under reference 05/03149/AMD which related to the omission of rooflights, the removal of the window and door to the rear elevation, the removal of a garage door and single door on the front elevation (facing Grove Close) and the installation of a window in the front elevation.
- 3.4 The application seeks retrospectively to remove the condition on 05/03149/FULL6 which required that the structure be used solely for the accommodation of private cars and for purposes incidental to the dwellinghouse, prohibiting the conversion of the unit to living accommodation.
- 3.5 The application includes a statement from the applicant which states that all correspondence/visitors come through the main dwelling and that all utilities, including water, electricity and broadband are connected to the main dwelling and are not independent of the host property.
- 3.6 The submitted application form suggests that the development was completed on 1/6/2015, with the commencement of the structure having occurred in 2006. The use of the annexe by the elderly relative of the applicant is stated to have commenced in March 2016.



4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows with the cases specifically relating to the detached garage in bold:

89/02141/FUL Single storey rear extension
GRANTED PLANNING PERMISSION 09.08.1989

**05/03149/FULL6 Detached garage
GRANTED PLANNING PERMISSION 27.10.2005**

05/03410/FULL6 First floor side extension, side dormer and two rear dormers in the enlarged roof
GRANTED PLANNING PERMISSION 26.01.2006

05/03412/FULL6 Single storey rear and two storey side extension
GRANTED PLANNING PERMISSION 09.11.2005

**05/03149/AMD AMENDMENT: Removal of roof lights. Removal of exterior door and one garage door from the front elevation and insertion of small window. Insertion of French doors and two windows to the rear elevation.
AMENDMENT APPROVED 09.10.2012**

15/00832/FULL6 Two storey rear extension and rooflights
PLANNING PERMISSION GRANTED 12.11.2015

17/00105/PLUD Loft conversion to include rooflights to flank elevations and removal of chimney to flank elevation. LAWFUL DEVELOPMENT CERTIFICATE (Proposed)
LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) GRANTED 21.02.2017

5. CONSULTATION SUMMARY

A) Statutory

None

B) Local Groups

Hayes Village Association

Would breach covenant which states that no building on the land shall be less than 5000 cubic feet and that such building should only be used as a dwellinghouse.

C) Adjoining Occupiers

Objections

- Concern that the proposal would set a precedent for the construction of additional residential dwellings fronting Grove Close
- Grove Close is the only vehicular access/parking for Grove Close residents while West Common Road properties already have access to the front
- The road is narrow and unmade with limited parking available for residents of Grove Close and the road is managed and maintained by these residents
- Proposal is not a granny annexe but rather a detached bungalow

- Would be contrary to covenant/deeds as would not be 'substantial' property and would not be a dwellinghouse.
- Concern that the application is retrospective and results from enforcement action - would be wrong for permission to be granted following concealment
- Concern regarding the suitability of the living accommodation and it's siting detached from the main family dwelling.

Representations have also been received which comment on the history of how the occupation of the garage has come about, disputing the terms of the application and the background information provided by the applicant. The representations do not raise material planning considerations, as they relate to matters outside of planning control, including regarding level of care, guardianship and legal disputes associated with the occupant, their affairs and the Court of Public Protection. The representations also refer to there being alternative suitable accommodation elsewhere.

6. POLICIES AND GUIDANCE

6.1 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.

6.2 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.

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

6.4 The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 2016). The NPPF does not change the legal status of the development plan.

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

6.6 The London Plan

- 7.4 Local Character
- 7.6 Architecture

6.7 Draft London Plan

The 'Intend to Publish' version of draft London Plan (December 2019) is a material consideration in the determination of this planning application.

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

is the version of the London Plan which the Mayor intends to publish, having considered the report and recommendations of the panel of Inspectors. Where recommendations have not been accepted, the Mayor has set out a statement of reasons to explain why this is.

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

Ahead of publication of the final plan, the SoS can direct the Mayor to make changes to the plan. This affects the weight given to the draft plan. At this stage, the Council's up-to-date Local Plan is generally considered to have primacy over the draft London Plan in planning determinations.

6.8 Bromley Local Plan 2019

Policy 30 - Parking

Policy 37 - General Design of Development

Policy 7 - Accommodation for Family Members

Policy 42 - Development Adjacent to a Conservation Area

6.9 Bromley Supplementary Guidance

SPG 1 General Design Principles

SPG2 Residential Design Guidance

7. ASSESSMENT

- **Principle of development**
- **Design – Layout, scale height and massing**
- **Conservation**
- **Neighbourhood Amenity**
- **Standard of outlook and amenity for future occupiers**
- **Transport and Highways**
- **Other matters**

7.1 Principle of development - Acceptable

7.1.1 Policy 7 of the Bromley Local Plan states that an extension to provide space for additional family members will be expected to meet three criteria, including that access to the extension is provided and maintained through the original dwelling house and that the extension should not be capable of being severed from the main dwelling-house.

7.1.2 The applicant has confirmed that the access to the accommodation is only provided from the frontage dwelling. It is noted that the amendment to the grant of planning permission for the original garage (05/03149/AMD) deleted the door originally provided within the 'front' elevation facing Grove Close and substituted a window for that door. One of the two garage doors was removed. One garage door remains.

7.1.3 While as a detached building with a frontage onto Grove Close the building is more readily capable of severance than if the development were within an enclosed rear garden with no access, it is noted that the applicant has expressed agreement with the imposition of a planning condition which would require that the accommodation provided within the building be tied to the occupation of the main dwelling.

7.1.4 Furthermore, the lack of an easy door access onto Grove Close, the structure's limited size, the internal layout and the lack of separate services/utilities to the structure are considered to limit the scope, in tandem with suitably worded conditions, for the structure to be used as a self-contained dwellinghouse.

7.1.5 The principle of the size, scale and siting of the building itself has been established through the granting of planning permission for the structure as a garage for purposes incidental to the host property, and in consideration of the original application it was noted that the occupants of No. 74 West Common Road have rights of access onto Grove Close.

7.2 Design – Layout, scale, height and massing - Acceptable

7.2.1 The proposal does not include any external elevational alterations. The structure would be retained as constructed and is not considered to have a significant impact on the visual amenities of the area.





7.2.2 Other structures of similar size and scale were noted to front onto Grove Close. It is not considered that the building is detrimental to the character and appearance of the area and in any case, in granting planning permission and the subsequent amendment to the permission to allow elevational alterations the design and appearance of the structure was considered acceptable.

7.3 Conservation - Acceptable

7.3.1 The site lies adjacent to a Conservation Area, but the application does not relate to alterations to or enlargement of the existing building, for which planning permission was granted under reference 05/03149/FULL6.

7.3.2 Policy 42 of the BLP states with regards to development adjacent to a conservation area that development will be expected to preserve or enhance the setting of the CA and should not detract from views into or out of the area. Since the development bulk, massing, scale and siting is unchanged it is not considered that the proposal would fail to preserve the character and appearance of the conservation area, which in any case lies opposite the property frontage, on the other side of West Common Road.

7.4 Neighbourhood Amenity - Acceptable

7.4.1 The use of the existing structure as proposed does not have a significant impact on the amenities of neighbouring residents. It does not result in a loss of light, daylight, sunlight or unacceptable additional noise and disturbance, taking into account the relationship of the building and its occupation to the main host dwelling and that the use involves an existing structure.

7.4.2 Comments received from neighbouring residents have referred to there being a covenant relating to the size of properties within the locality, stating that as a dwelling the detached structure would be significantly smaller than surrounding development and would not meet the terms of the covenants. Restrictive covenants are matters of private property law and fall outside of planning control. This proposal does not relate to the provision of a separate detached dwelling in any

case, providing instead ancillary residential accommodation in the form of an annexe rather than a separate self-contained house.

7.5 Standard of outlook and amenity for future occupiers - Acceptable

- 7.5.1 Comments from the Housing Enforcement Officer have expressed concern regarding the extent to which the accommodation would meet the Housing Health and Safety Rating System provided by the ODPM.
- 7.5.2 If this were an entirely self-contained unit of accommodation separate from the main dwelling in function and not used as an annexe or for purposes incidental to the enjoyment of the dwellinghouse it is considered that the accommodation provided would be of a limited standard of amenity.
- 7.5.3 However, in this instance the accommodation provided would, from a planning perspective, be an annexe or ancillary type of accommodation which would benefit from its link to the host dwelling in terms of the additional services and accommodation which the occupant of the annexe would be capable of utilising, including amenity space, access into the garden and to the larger main accommodation within the dwellinghouse.
- 7.5.4 The proposal does not relate to the formation of a separate, severed unit of accommodation which would operate as a distinct planning unit or an individual dwellinghouse. As such it is not considered that the usual standards associated with self-contained and separately occupied residential dwellings (rather than annexes) would be applicable.
- 7.5.5 Where concerns are expressed under the separate guidance provided by the ODPM this guidance is separate to and outside of planning control. It is noted that the comments provided by the Housing Enforcement Officer refer to the separate action available to the Housing Enforcement Team to consider taking formal action in respect of means of escape and ventilation. If planning permission is granted (subject to planning conditions) it is recommended that the applicant is advised of these comments by way of an informative.

7.6 Transport and Highways - Acceptable

- 7.6.1 The comments of the Council's highways officer were sought regarding the proposal. The response received referred to the scope of the proposal in terms of highways impacts, being principally concerned with the reduction in off-street parking spaces serving the host dwelling.
- 7.6.2 No technical objections are raised from a highways perspective regarding the conversion of part of the garage to habitable accommodation, taking into account the retained access and off-street parking available to the front of the host dwelling facing West Common Road and the occupation of the building being tied to the household occupying the host dwelling.
- 7.6.3 It would be appropriate to impose a condition relating to the retained parking within the structure to require that only vehicle(s) associated with the host dwelling be

stored within the building, to meet the terms of the original condition and in the interest of neighbouring amenity.

7.7 Other matters - Outside of planning control

- 7.7.1 It is noted that representations have been received providing detailed comment on the circumstances leading to the use of the building by the applicant and disputing the need for the accommodation to be used for the housing of an elderly relative. The comments refer also to the care provided for the occupier. These comments have been considered but do not raise material planning considerations relevant to the assessment of whether the conversion of part of the garage to an annexe ancillary to the host dwelling would be acceptable in planning terms, taking into account the site's characteristics and surroundings and the extent to which the retrospective conversion would be capable of being effectively controlled by way of a condition.
- 7.7.1 It is generally the principle that planning relates to land and property rather than the individual person. While it is noted that the applicant has referred to the accommodation provided being used by an elderly relative, in assessing the proposal the more general occupation of the annexe by a family member of existing/future householders at No. 74 West Common Road has been carefully considered. To this end, the theoretical occupation by a young family member, a child, an aunt or other relative has been seen as the implication of the application and any decision on the extent to which the application is acceptable.
- 7.7.2 It is considered that a condition linking the use of the building to the host property's household would be a suitable mechanism to ensure that the occupation is not severed from the main property to form a separate self-contained residential dwelling. Such a condition is important and integral to the assessment of the proposal in that as a separate self-contained residential unit the proposal would be uncharacteristic of the quality and layout of residential development in the locality, whereas as an annexe for purposes incidental to the enjoyment of the host dwelling this would not be the case.

8. CONCLUSION

- 8.1 The proposal would have no significant impact on residential amenity on the basis that as an annexe the accommodation would be limited to use ancillary to/for purposes incidental to the enjoyment of the host house rather than operating as a self-contained dwellinghouse.
- 8.2 There are no technical highways objections to the proposal for a residential annexe linked to the main host dwelling.
- 8.3 In terms of the impact of the proposal on visual amenity, no external elevational alterations are proposed.
- 8.4 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

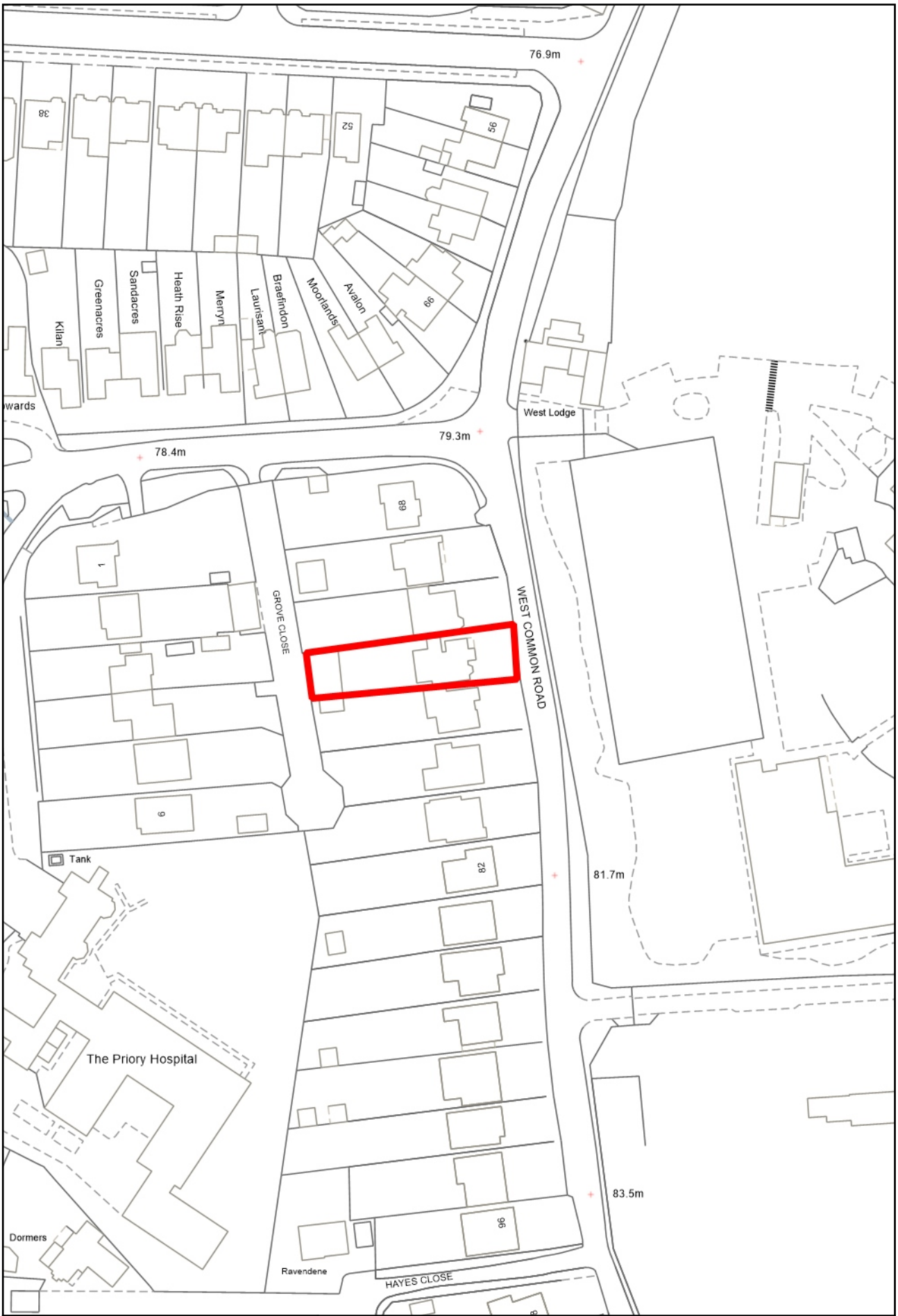
SUMMARY OF CONDITIONS AND INFORMATIVES

1. Accordance with application submission
2. Restriction on use (accommodation and garage) to household at No. 74 – no severance.


Any other planning condition(s) considered necessary by the Assistant Director of Planning.

Informative

1. Attention drawn to Housing Enforcement Officer comments



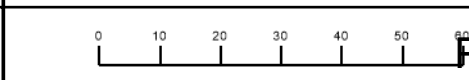
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Agenda Item 4.4

Committee Date	11 th June 2020	
Address	Villa May Lakeswood Road Petts Wood Orpington BR5 1BJ	
Application Number	19/05118/FULL1	Officer - Lawrence Stannard
Ward	Petts Wood And Knoll	
Proposal	Two storey side extension, single storey rear extension, alterations to roof and conversion to form 5 flats (3x1 bedroom and 2x2 bedroom) with associated car parking, refuse/cycle storage, amenity areas and landscaping, and widening of existing vehicular access	
Applicant	Agent	
Miss S Boothby c/o Agent	Mr Joe Alderman 303 Downe House High Street Orpington BR6 0NN	
Reason for referral to committee	Significant Objections	Councillor call in No

RECOMMENDATION	Permission
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KEY DESIGNATIONS Biggin Hill Safeguarding Area London City Airport Safeguarding London Distributor Roads Open Space Deficiency Smoke Control SCA 8
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Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total / Payment in lieu
Market	3	2			5
Affordable (shared ownership)					
Affordable (social rent)					
Total	3	2			5

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	4	4	0
Disabled car spaces			
Cycle			

Electric car charging points	Percentage or number out of total spaces: 0
-------------------------------------	---

Representation summary	Neighbour letters were sent on the 03.01.20 and again on 19.02.20	
Total number of responses	24	
Number in support	0	
Number of objections	24	

UPDATE

This application was reported under the protocol for planning decisions during the COVID-19 outbreak for consideration by Members on Thursday 16th April 2020. Members advised the Assistant Director that they were not in favour of the recommendation and advised that planning permission should not be granted. The report considered by Members is repeated below to enable further consideration.

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- No unacceptable impact would arise to the appearance of the host dwelling or visual amenities of the streetscene..
- No unacceptable impact would arise to neighbouring occupiers.
- The site would provide adequate parking spaces and not impact detrimentally upon highway safety.
- The proposed units would provide suitable residential amenity standards.

2. LOCATION

- 2.1 The application site hosts a two storey dwelling located on the southern side of Lakeswood Road, between the junction with Nightingale Road and Crescent Drive.



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3. PROPOSAL

- 3.1 The application seeks permission for the addition of a two storey side extension, single storey rear extension, alterations to roof and conversion to form 5 flats (3x1 bedroom and 2x2 bedroom) with associated car parking, refuse/cycle storage, amenity areas and landscaping, and widening of existing vehicular access.
- 3.2 The proposed two storey side extension would have a maximum width of 4.621m and depth of 8.2m, though it would only increase the width of the dwelling by 1.51m when viewed from the front. The proposed roof would match the ridge height of the existing dwelling, though it would feature a steeper pitched roof. The roof to the western side of the building would also be altered to a steeper pitched roof.

- 3.3 The proposed single storey rear extension would have a depth of 3m and width of 7.586m. It would have a flat roof featuring a parapet wall around its perimeter with a height of 3.3m.
- 3.4 The alterations to the roof would include the addition of two rear dormers, and an increase in the steepness of the roof to either flank.
- 3.5 The building would be converted internally to form 5 flats, with 1x1 bed and 1x2 bed units at ground floor, 2x1 bed units at first floor and 1x2 bed units at second floor level.

4. RELEVANT PLANNING HISTORY

- 4.1 The application site has no previous planning history.

5. CONSULTATION SUMMARY

A) Statutory

Thames Water

- With regards to surface water Thames Water advises no objection if the developer follows the sequential approach to the disposal of surface water.
- Would advise that with regard to waste water network and sewage treatment works infrastructure capacity we would not have any objection to the above planning application.
- With regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application

B) Local Groups

Petts Wood Residents Association

- No flats exist in this part of Lakeswood Road or the immediate locality.
- Several refused applications for flatted developments in the neighbouring area, including Lakeswood Road itself.
- Serious concerns regarding current traffic levels and potential accident issues.
- Four parking spaces proposed for 5 flats is the minimum – 14 people could live here all of whom could own cars. Additional pressure for on-street parking which is already difficult.
- Proposed building may be a visual improvement on the existing, however would dominate the bungalow (immediate neighbour) located to the east, contrary to Policy 37.
- Site is too small for the proposed building, it would dominate the plot and constitute a cramped form of development.
- Increased overlooking to the front and rear.
- Rear garden / amenity spaces proposed do not reflect the spatial standards in the area.

- Communal garden / amenity space will contain the cycle storages for all proposed flats – limiting amenity space.
- Very limited amenity space to be shared between the flats.
- Increased infrastructure pressures i.e. school places, GP surgeries etc.
- Would set a very unwelcome precedent if granted permission.
- Increase in bathrooms (by 5) and kitchens (by 4) would result in a fivefold increase in effluent discharged from the bathrooms and a fourfold increase in the effluent discharged from the kitchens. These effluent flows would increase the existing flows in the off-site foul water sewers leading to potential foul water flooding.
- Should permission be granted a condition must be applied that restricts the peak flows of effluent from the proposed scheme to existing off-site sewers to be no greater than from the existing built development.
- In practice no indication has been provided regarding the management of the four parking bays.
- Should be noted parking restrictions apply to Lakeswood Road and surrounding roads so there can be no presumption that on-street parking would be readily available.
- A recent planning appeal decision for two houses in Petts Wood (APP/G5180/W/3200290) conditioned the permission for all cars to enter / leave in forward gear – the same condition should be applied to this.
- The attempt to allocate amenity space so that 2 of the flats have a private garden leaves a very small section of available space for the three other flats.
- Small communal area also contains cycle storage and therefore most flats would not have any private amenity space.

C) Adjoining Occupiers

- Overdevelopment and overcrowding of the site, totally out of character with the immediate area (there are no flats in the area).
- Loss of privacy at 19 Nightingale Road.
- Increased noise disturbance.
- 4 parking areas for 5 flats is unrealistic for a multiple occupancy conversion.
- Serious safety concerns regarding Lakewood Road's current level of traffic, use as a cut-through and several accidents at the junction of Lakeswood / Nightingale Road.
- Cars entering / existing the property would create a further hazard.
- Straight layout of road promotes vehicles to travel in excess of the speed limit.
- After 10am (parking restrictions) vehicles soon park and it results in a single lane of traffic with very few places between cars for vehicles to park.
- Safe and suitable access to the site cannot be achieved and the impact on the highway would be severe.
- Block plan shows new shrubs close to 19 Nightingale Road's fence – existing trees and shrubs are well sited and provide privacy to 19, any removal would decrease privacy and would increase concern for the 'green' issue / climate change and be detrimental to the wildlife that this area enjoys.
- Siting of refuse / waste bins is unclear from the plans.
- Not enough parking / ground space for the amount of people who will be living there.

- Would create further parking issues / traffic / greater risk to residents in a busy road.
- Objection to increasing height of the house.
- Would set a precedent for other developers.
- Proposal does not comply with the requirements of the Council's Vehicle Crossing guidelines (in excess of maximum size of stand-alone Vehicular Crossover).
- Turn an already large house into a huge building dominating the streetscene, and out of character with the mostly 1930's semi and detached properties in the area.
- The pretty front garden will disappear under concrete and cars.
- In 2016 a similar proposal was made almost directly opposite and was rejected – two lovely semi-detached houses were eventually built greatly complimenting and enhancing the area.
- Further detriment to our local social infrastructure.
- Property should remain as one house for one family / two family houses would be in keeping with the area.
- Communal amenity space is too small and not fit for purpose.
- Local sewers built in 1930's – has there been any assessment as to how they will cope?
- High density of people in a small space can cause noise and nuisance problems to the surrounding houses.
- Overlooking to surrounding properties.
- Any removal of mature trees / shrubs would not only decrease privacy but environmentally would increase concern for the 'green' issue / climate change, and be detrimental to wildlife.
- Siting of refuse / waste bins is unclear from plans.
- Van / delivery drivers will likely cause further highway safety issues.

6. POLICIES AND GUIDANCE

National Policy Framework 2019

NPPG

The London Plan

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity

- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 8.3 Community Infrastructure Levy

Draft London Plan

- H1 Increasing Housing Supply
- H2 Small sites
- H5 Threshold Approach to application
- H8 Loss of existing housing and estate redevelopment
- H9 Ensuring the best use of stock
- H10 Housing Size Mix
- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D6 Housing quality and standards
- D7 Accessible housing
- D11 Safety, security and resilience to emergency
- D12 Fire safety
- D13 Agent of change
- D14 Noise
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI13 Sustainable drainage
- T2 Healthy Streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential Parking
- T7 Deliveries, servicing and construction

Bromley Local Plan 2019

1 Housing Supply
4 Housing Design
6 Residential Extensions
8 Side Space
30 Parking
32 Road Safety
37 General Design of Development
123 Sustainable Design and Construction

Bromley Supplementary Guidance

SPG1 – General Design Principles
SPG2 – Residential Design Guidance

7. ASSESSMENT

- **Principle of development**
- **Design – Layout, scale height and massing**
- **Density**
- **Neighbourhood Amenity**
- **Standard of outlook and amenity for future occupiers**
- **Amenity space**
- **Transport**
- **Environmental Health/ contamination/ noise /air quality**
- **Drainage**

7.1 Principle of development – Acceptable

7.1.1 The NPPF (2019) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

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

7.1.3 A planning appeal decision was issued on 26th June 2019 that has implications for the assessment of planning applications involving the provision of housing. The appeal at Land to the rear of the former Dylon International Premises, Station

Approach Lower Sydenham SE26 5BQ was allowed. The Inspector concluded that the Local Planning Authority cannot support the submission that it can demonstrate a five year housing land supply having given his view on the deliverability of some Local Plan allocations and large outline planning permissions. According to paragraph 11d) of the NPPF in the absence of a 5 year Housing Land Supply the Council should regard the Development Plan Policies for the supply of housing including Policy 1 Housing Supply of the Bromley Local Plan as being 'out of date'.

7.1.4 In accordance with paragraph 11(d), for decision taking this means where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

7.1.5 This application includes the provision of four additional dwellings, which would represent a minor contribution to the supply of housing within the Borough. This aspect of the proposal will be considered in the overall planning balance set out in the conclusion of the report having regard to the presumption in favour of sustainable development.

7.2 Design – Layout, scale height and massing - Acceptable

7.2.1 The two storey side extension would result in a modest increase in the width of the building when viewed from the front, whilst the additional footprint of the single storey rear extension would be partially mitigated by the removal of the existing single storey rear element.

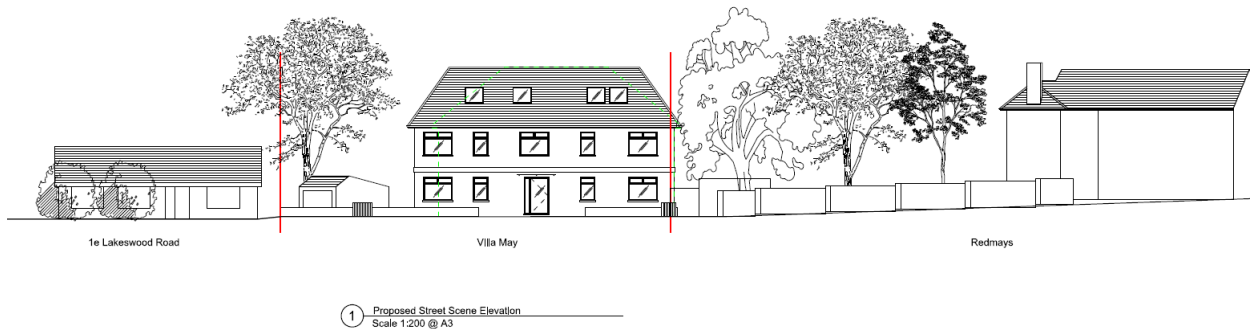
7.2.2 The roof alterations would result in an increase in the steepness of the pitch of the roof to the flanks of the dwelling, though this would not result in the roof appearing overly bulky or out of character within the streetscene.

7.2.3 Much of the additional bulk of the two storey extension, single storey rear extension and dormers would be sited to the rear of the property and would not impact significantly upon the visual amenities of the streetscene.

7.2.4 Therefore, the proposed enlargement of the property is not considered to result in any significant increase in bulk or harm its overall appearance to a degree that would be detrimental to the visual amenities of the streetscene.

7.2.5 The proposed materials would consist of a render finish to the property. This would not be considered out of keeping with the area given a number of similar external finishes to other properties in the area.

7.2.6 The proposed two storey extension would result in the increase in the width of the dwelling by 1.51m when viewed from the front. It would retain a minimum separation distance of 1.56m to the flank boundary, where the detached garage to 1E Lakeswood Road is sited, though the side space would increase significantly to the front and rear due to the nature of the curtilage of the site.



7.2.7 Having regard to the separation distance to the adjacent dwellings it is considered that the development would comply with Policy 8 in that it would not have a cramped appearance nor result in any unrelated terracing from occurring, and would not result in any significant harm to the spatial standards of the area.

7.3 Density - Acceptable

7.3.1 The site has a PTAL rating of 3 and is within a suburban urban setting. In accordance with Table 3.2, the recommended density range for the site as a whole would be between 150-250 habitable rooms per hectare.

7.3.2 The site area is approximately 492m². The cumulative density of the building would be approximately 244 habitable rooms per hectare, and this is therefore considered acceptable.

7.3.3 However, a numerical calculation of density is only one aspect in assessing the acceptability of a residential development. Policy 3.4 is clear that in optimising housing potential, developments should take account of local context and character, design principles and public transport capacity, which are assessed below.

7.4 Neighbourhood Amenity – Acceptable

7.4.1 The proposed extensions to the property are not considered excessive in scale and given the separation distance to nearby properties it is not considered that it would result in any significant loss of light, outlook or visual amenity.

7.4.2 The existing property already features a number of windows at first floor level in the front, rear and western flank elevation. The proposed development would retain front and rear facing windows and include the addition of rear facing dormers at

second floor level. The first floor flank windows from the property which would reduce any opportunities of overlooking towards the property at Redmays to the west, whilst the second floor rear dormers would not look directly towards any neighbouring windows given the siting of the dwelling.

- 7.4.3 Having regard to the above it is considered that the conversion into flats would not be considered to result in any significant additional opportunities for overlooking compared to the existing dwelling.

7.5 Standard of outlook and amenity for future occupiers - Acceptable

- 7.5.1 The application proposes 3x 2 bedroom units and 2x 1 bedroom units, with all individual units set within one storey.
- 7.5.2 The minimum space standard for the proposed 1 bedroom 2 person units is therefore 50sqm, with the 2 bedroom units requiring a minimum of 70sqm. All of the proposed flats would provide sufficient gross internal floor areas and would be compliant with the required standards.
- 7.5.3 The indicated shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use and each flat has a dual aspect outlook (when including the front rooflights to the top floor flat) with views over the amenity spaces to the rear. The internal layouts are therefore considered acceptable.

7.6 Amenity space - Acceptable

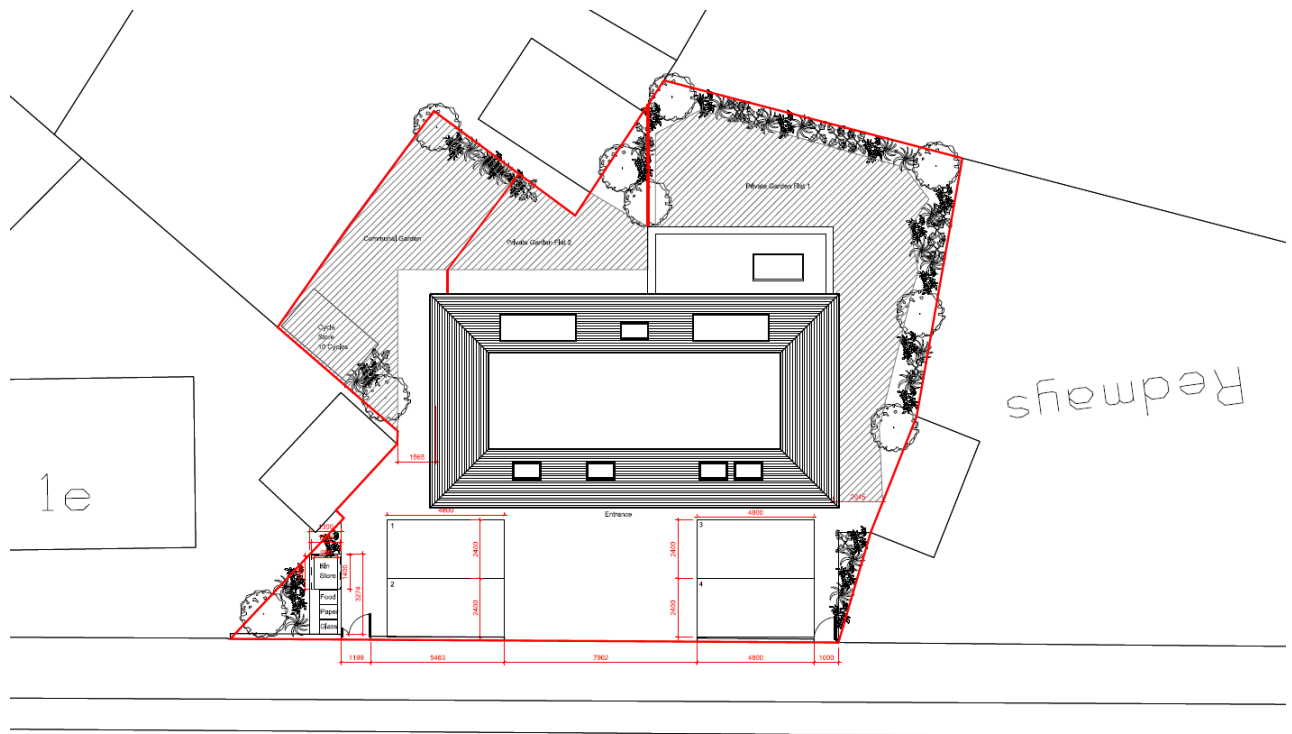
- 7.6.1 Amenity space is provided by way of a private garden to both of the ground floor flats which would both be above the minimum required private amenity space for these two flats. The upper floor flats would have access to a communal area to the side of the building and the agent has also submitted a document showing that the site is within close proximity to numerous public recreation spaces. As such it is considered that adequate amenity space would be available for future residents of the site.

7.7 Transport - Acceptable

- 7.7.1 According to Transport for London's (TfL) Planning Information Database the site has a PTAL rating of 3 (on a scale of 0 – 6b, where 6 is the most accessible). In accordance with Policy 30, the site should therefore provide 3.5 – 5 parking spaces in total. The applicant includes the addition of 4 parking spaces and would therefore provide sufficient parking.
- 7.7.2 Lakeswood Road is a narrow road and it is used as a short cut between Queensway and Frankswood Avenue and there have been some accidents on this road. It has also been noticed that drivers speed up on the road.

7.7.3 The original submission did not include a swept path analysis and concerns were therefore raised as to how drivers would reverse onto the road with cars parked on one side of the road and traffic coming from both ends of Lakeswood Road. It appeared that a reversing car would be trapped with cars parked behind it and traffic flowing from both ends and that the car parking layout and location of the refuse bin and plantation could block the visibility of keeping in view.

7.7.4 Revised plans were submitted by the agent for the application to overcome the initial concerns raised, received. These plans altered the parking layout and retained 4 spaces, and included a swept path analysis.



7.7.5 Further consultation was carried out with Highways Officers who requested an increase in gap between the bays to make drivers manoeuvring easier. This was received on the 13th March, and following this it was considered by Highways Officers that the parking layout was acceptable and would provide sufficient manoeuvrability to prevent any adverse impact on highway safety.

7.7.6 Therefore no objections are raised from this perspective by Highways Officers, subject to a number of conditions to ensure that the development would not impact detrimentally on highways matters.

7.8 Environmental Health/ contamination/ noise /air quality - Acceptable

7.8.1 Environmental Health Officers have raised no objection to the proposal, however have recommended an informative to ensure that they are contacted in the event that any suspected contamination is encountered during works.

7.9 Drainage - Acceptable

- 7.9.1 No objections to the proposal were raised by the Drainage Officer in relation to public foul sewer capacity. Thames Water were consulted and raised no objection to surface water, waste water or sewage treatment works infrastructure capacity.
- 7.9.2 Thames Water also advise that the developer should follow the sequential approach to the disposal of surface water and that where the developer proposed to discharge to a public sewer prior approval from Thames Water would be required. This would be a separate matter dealt with directly with Thames Water and would not result in any concerns that would warrant a refusal of the planning application.

8. CONCLUSION

- 8.1 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.
- 8.2 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

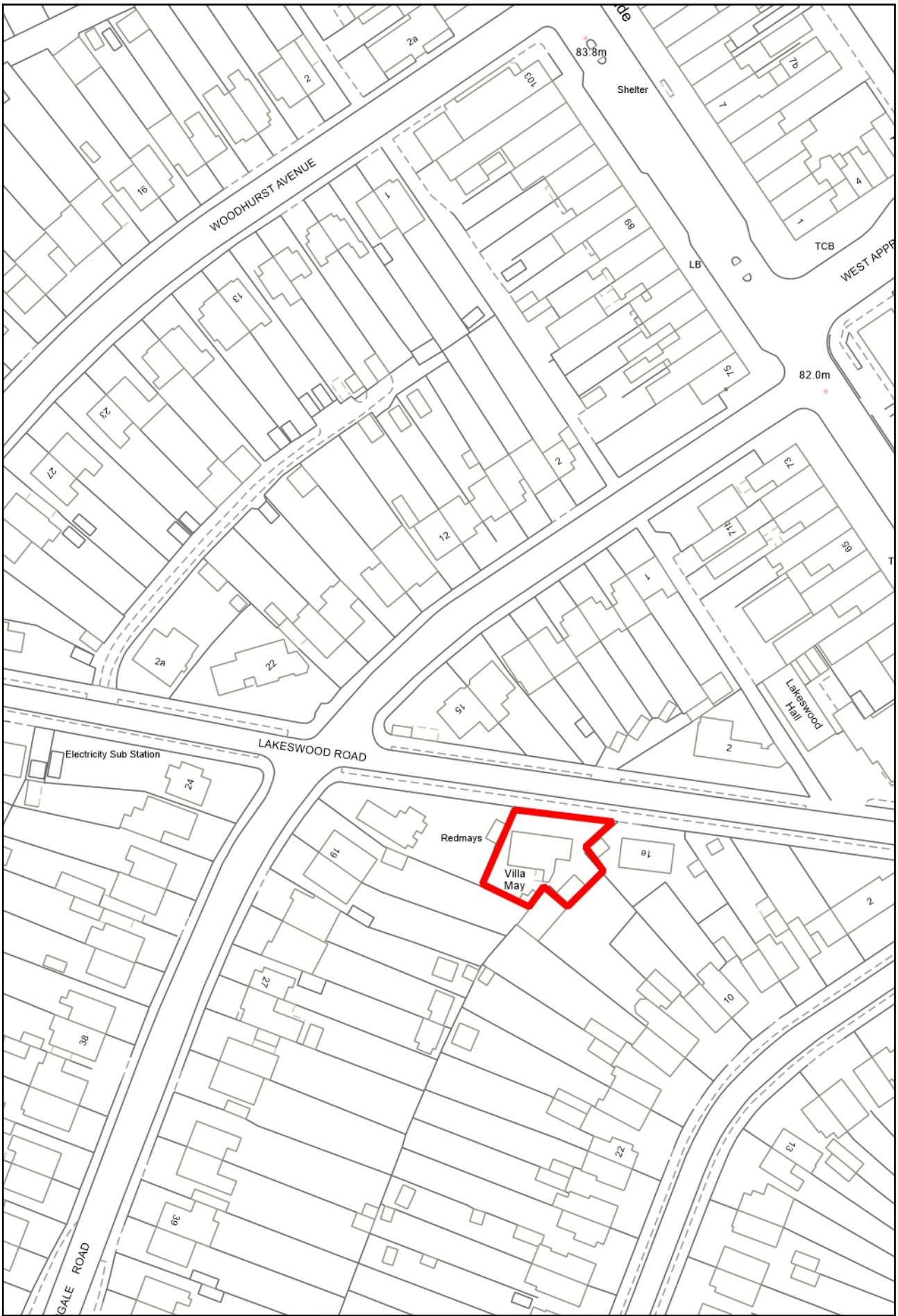
Subject to the following conditions:

- 1. Time limit of 3 years**
- 2. Materials as per the submitted plans**
- 3. In accordance with approved plans**
- 4. Construction and Environmental Management Plan**
- 5. Turning Area Details**
- 6. Car Parking Details to be Implemented**
- 7. Stop up Existing Access**
- 8. Wash Down Facilities**
- 9. Visibility Splays**
- 10. Refuse Storage Details**
- 11. Lighting Details for Parking Area**
- 12. Surface Water Details**

Informatives

- 1. Contact Highways re Crossover**
- 2. Repositioning or alteration of street furniture.**
- 3. Electric Vehicle Charging Points**
- 4. Thames Water Minimum Pressures**

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 19/05118/FULL1



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Agenda Item 4.5

Application No: 20/00556/TPO

Ward: Chislehurst

Address: Updown House, 5 Oakleigh Park Avenue
Chislehurst, BR7 5PB

OS Grid: E: 543363 N: 169537

Applicant: Subsidence Management Services **Objections:** Yes

Description of Development:

Oak (T1 on site plan) - Fell.
Oak (T3 on site plan) - Fell.
SUBJECT TO TPO 2679 (22.10.2019)

Proposal

1. This application has been in connection with a subsidence investigation at 5 Oakleigh Park Avenue. The felling of the two subject oak trees (T1/T3) is proposed to achieve building stabilisation in accordance with the professional recommendations.

Location

2. The application site is comprised of a detached dwelling located on the west side of the cul-de-sac. Properties on this side of the road are situated on a falling gradient. The property is subject to the provisions of the local conservation area, applying broad protection to trees. Tree Preservation Order (TPO) 2679 was made in October 2019 following a threat to trees in the format of a conservation area notification (19/03850/TREE) received in respect of trees at No. 3 & 5 Oakleigh Park Avenue. The sylvan environment characterises the conservation area and this part of Chislehurst.

Consultations

3. Three representations were received and are summarised below:
 - “We believe that this tree should be removed given the size and weight of the tree. The weight of the tree increases the risk of damage towards the land and subsequently our property. We have no objection towards the removal of this tree and welcome any attempt to protect the integral structure of the land.”
 - “Please provide location of tree as no map provided with the letter nor online.”
 - “Please provide further details in respect of the location of the Oak tree. No location or map/plan has been provided.”
4. No comments were received from Building Control.

Considerations

5. The dwelling was constructed in 1947 with extensions added in 2004, as permitted under planning permission 04/04828/FULL6.
6. The presence of the TPO reflects the important contribution the tree makes to the locality and the high amenity value merited. No recent management has been noted within the supporting tree survey or by the officer during inspection.
7. Damage was first noticed on 10th August 2018. Damage is occurring across the rear elevation of the dwelling. The Claim Assessment Report supplied in support of the application may be referred to for information on specific areas of damage. The degree of damage is category (5-15mm) as listed in the Building Research Establishment; Digest 251. Historic damage is mentioned in The Claim Assessment Report dating back to 2005, 2011 and 2016. Repairs prior to this insured event were carried out under the policyholder's expense. The past damage was deemed to be caused by thermal movement.
8. The following supporting documents have been appended to the application:
 - Arboricultural Report (26.03.19)
 - Claim Assessment Report (11.01.19)
 - Level/Crack Monitoring (09.01.20)
 - Engineers Addendum Report (03.01.20)
 - Soil analysis (01.05.19)
 - Root identification (14.03.19)
 - Geotechnical Report (12.03.19)
9. Officers made a site visit on 23rd April 2020. The subject trees are confirmed to be within the zone of influence. The zone of influence is calculated to be 25m for T1 and 22.5m for T3. T1 has been measured at 9.5m from the rear projection of the dwelling, which consists of the extension. Tree survey data has been submitted as part of the application supporting documents and reference tree dimensions. No defects have been noted by the tree surveyor.
10. Three boreholes (BH1/BH2/BH3) were excavated as part of the investigation. Foundations are revealed at depths of 800mm in BH1, 1300mm in BH2 and 1100mm BH3. Root identification in the boreholes BH1 and BH2 reveal oak roots are beneath the foundations of the dwelling. Roots identified in borehole BH3 were related to birch trees.
11. Level monitoring results indicate movement associated with seasonal soil moisture loss. Movement is most severe at monitoring stations positioned on the extension. The period of monitoring is 7 months from late May 2019 to early January 2020.
12. Soil analysis has proven that the plasticity index is high, indicating an increased potential for volume change.
13. The Engineer has recommended the trees be felled to remove the influence on the local soil conditions. The Arboricultural Consultant has agreed that tree felling is required.
14. Drainage has been excluded as an implicating factor by the structural engineer.
15. The estimated cost of repairs if the trees remain is £50,000 and £15,000 if the trees

are removed. Heave risk has been assessed by the structural engineer and is not a threat. The Engineers Technical Addendum indicates a street tree under Local Authority Control is responsible for the subsidence related damage. Officers confirm that trees implicated in this case are under private ownership.

Conclusion

16. The foundations are not considered deep enough to withstand the influence of the subject trees within the zone of influence. The required foundation depth has been calculated to be a depth exceeding 2.5m. This is based on the highest actual plasticity index record. A full structural foundation design is required to address the risk of subsidence.
17. Damage to the building occurred shortly after construction. This suggests that the structural integrity of the extension was at fault upon completion. No information has been supplied to demonstrate that the junction with the dwelling has been built to resist the risk of movement. It would therefore be prudent to request an assessment of the construction design. The absence of construction joints in the construction of the extension in 2004 may result in presiding differential settlement. At this stage it is therefore possible that the trees are exacerbating an existing issue. Underpinning is likely to be required, regardless of nearby tree influence on the soil.
18. The age of the property dates back to 1947 and the trees are estimated to be older than the property.
19. Level monitoring is usually required for a period of 12 months or more to demonstrate seasonal movement. The 7 months of data supplied, indicates the building has sunk and then risen. The reports submitted in support of the application have concluded that seasonal movement is occurring. Movement is most severe at the southern elevation monitoring stations, on the face of the extension. No evidence has been presented to discount defective drainage. The route of drainage is unknown.
20. A monetary value has been applied to the tree 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.
21. The combined value for the subject Oak trees (T1/T3) is £193,004. The evaluation was extended to other significant oak trees within the zone of influence. These trees are also listed within the tree survey data contained presented at 6.2 of the Arboricultural Report. The combined value of these trees is £211,498. The total value of trees that could be implicated in the subsidence case is calculated to be £404,502. Considering the value of trees situated within neighbouring properties, the value is expected to exceed £500,000. The costs of repair are therefore substantially less than that of the trees value.
22. Alternative methods of stabilisation by way of root barrier installation have not been considered.
23. The investigation findings have demonstrated on the balance of probability that at least one of the subject trees is causing seasonal movement of a cyclical nature.

24. Members are recommended to refuse the application to defend the implicated trees. Further detail would be required to address the concerns raised in this report. Members should consider the value of the trees against the costs of repairs in this case. Should consent be granted, it will be necessary to apply planning conditions in mitigation to require replacement planting.

Financial Implications

25. 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.
26. 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. Members are also reminded of the officer costs involved in defending against a compensation claim.

RECOMMENDATION: Refusal

Oak (T1 on site plan) - Fell.

Oak (T3 on site plan) - Fell.

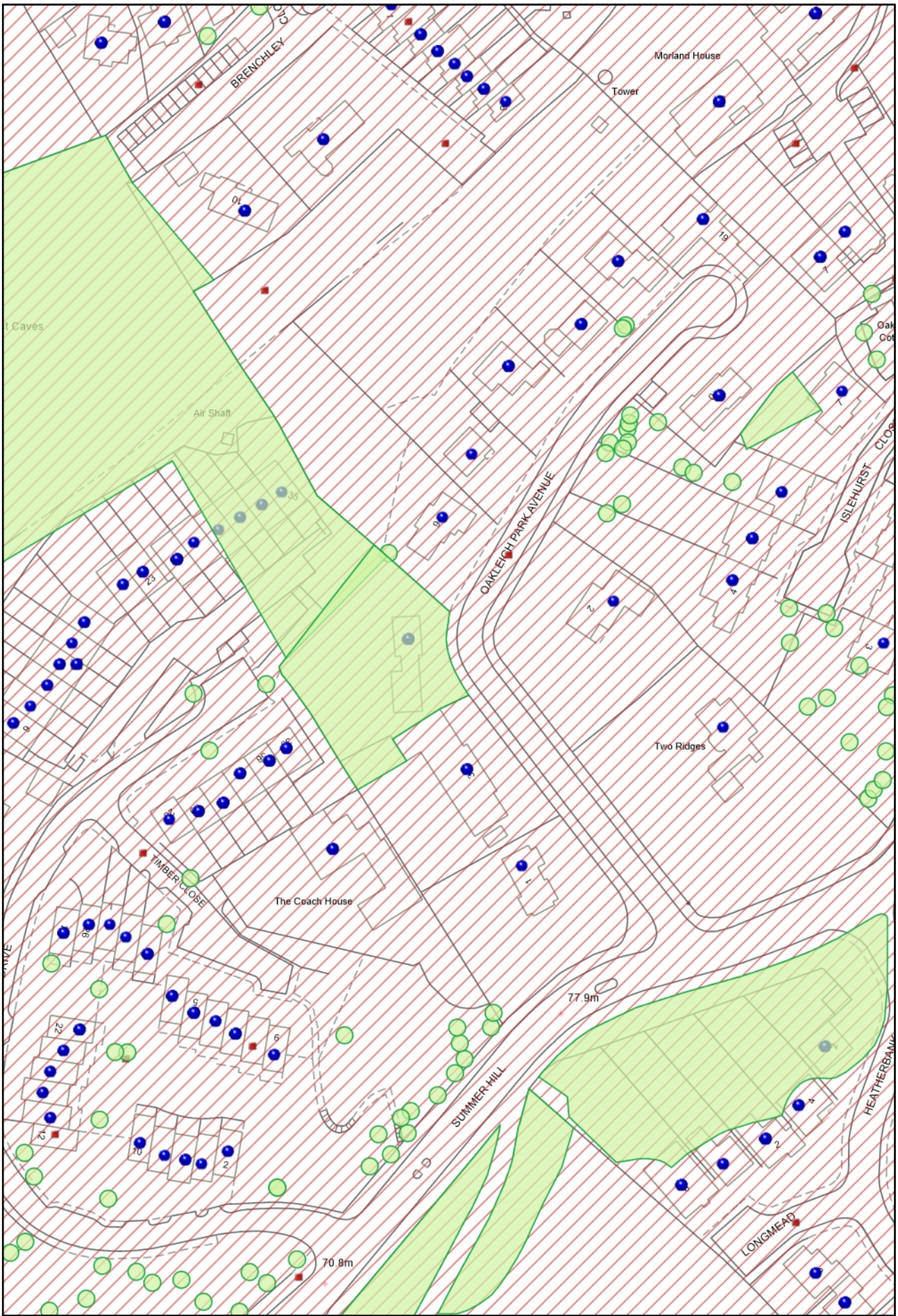
SUBJECT TO TPO 2679 (22.10.2019)

Reason:

The application has failed to acknowledge the adequacy of the dwelling's foundations and the construction design. Defective drainage has not been ruled out as a contributing factor. The value of the trees exceeds the estimated costs of repair. The proposals would negate the objectives of the TPO and therefore conflict with Policies 73, 74 of The Bromley Local Plan (adopted January 2019), Policy 7.21 of The London Plan (adopted March 2016) and The London Borough of Bromley Tree Management Strategy (2016-2020).

INFORMATIVES

1. You are advised that formal consent is not required for the removal of deadwood, dangerous branches and ivy from protected trees.
2. Alternative repair options should be explored and presented to the Council in an appraisal, should further applications be submitted.



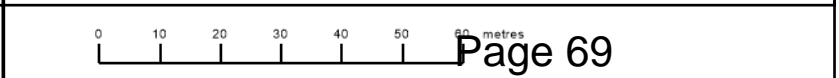
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04 May 2020

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Agenda Item 4.6

Committee Date			
Address	24 Hill Close Chislehurst BR7 6HY		
Application Number	20/01232/TPO	Officer Chris Ryder	
Ward	Chislehurst		
Proposal	T2 Oak adjacent to 24 Hill Close - Remove. SUBJECT TO TPO 1552 (21.12.1998)		
Applicant Mr Patel	Agent MWA Arboriculture Ltd.		
Reason for referral to committee	Subsidence case	Councillor call in No	
RECOMMENDATION	Refusal		

KEY DESIGNATIONS
Tree Preservation Order (TPO) 1552.

Representation summary	No representations received.		
Total number of responses	0		
Number in support	0		
Number of objections	0		

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The removal of the subject oak tree would be detrimental to the local amenities.
- The oak tree (T2) makes an important contribution to the visual amenity of the surrounding local area, is cohesive with other trees in the vicinity and is awarded high amenity value.
- Members must decide whether to consent or refuse the proposed tree removal, based on the evidence submitted and the officer's assessment.

2 LOCATION

2.1 The site address is comprised of an end of terrace dwelling located on the east side of Hill Close. The site is free from any tree related restrictions. The property is at the end of the cul-de-sac and borders a public footpath to the south. A land registry search reveals the land adjacent to the footpath where the trees are found growing is unregistered and is therefore assumed to be under Council control. The oak tree (T2) is subject of Tree Preservation Order (TPO) 1552. The tree is numbered T3 on the TPO schedule.

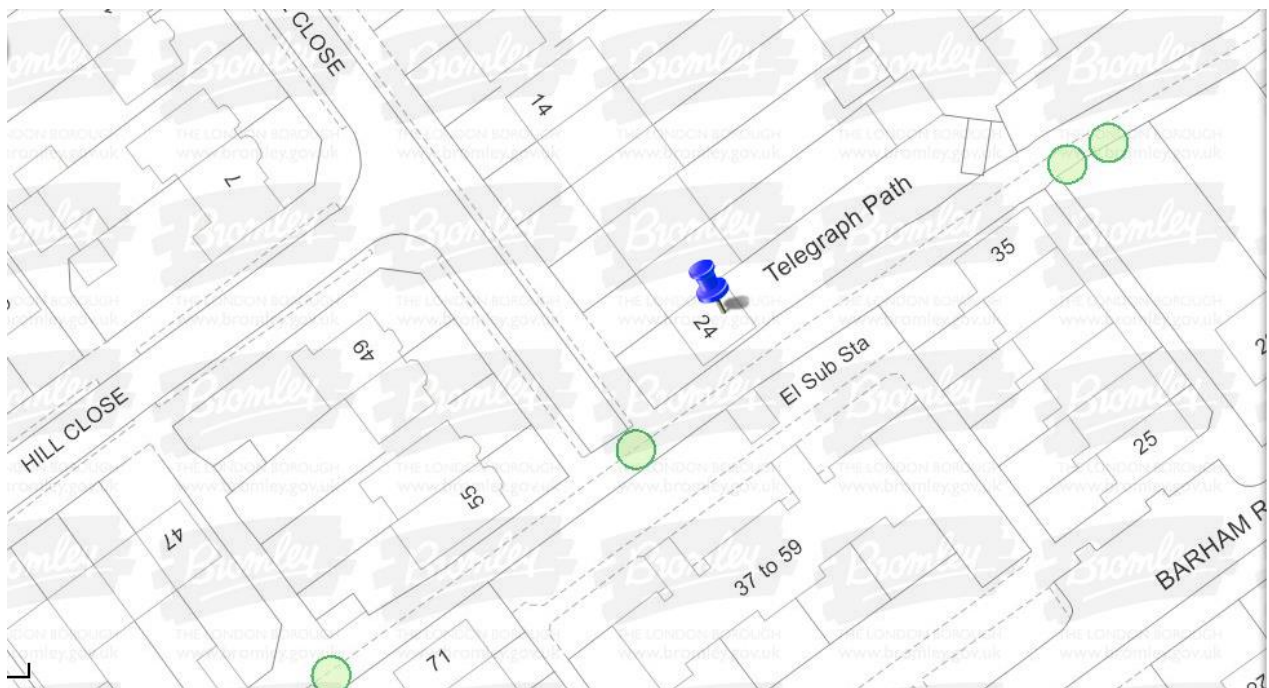


Figure 1 – 24 Hill Close



Figure 2 - Oak (T2)

3 RELEVANT PLANNING HISTORY

3.1 No relevant history.

4 CONSULTATION SUMMARY

4.1 Due to current Corona Virus restrictions, a site notice was sent to the applicant to be displayed at the front of the property. Confirmation of the notice being displayed has not been received.

4.2 Building Control has been consulted and no comments were received.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

42 Conservation Areas

73 Development and Trees

74 Conservation and Management of Trees and Woodlands

5.5 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

5.6 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)

Paragraph 020 - 057

6 CONSIDERATIONS

- 6.1 The construction of the property dates back to the 1930s. The damage related to the claim was first noticed in July 2018. The claim was initiated on 31st July 2018. Investigations carried out by Crawford were reported on 24th August 2018.
- 6.2 The presence of the TPO reflects the important contribution the tree makes to the locality and the high amenity value merited. No recent management, with the exception of deadwood pruning, has been noted within the supporting tree survey or by the officer during inspection.
- 6.3 Damage is occurring across the front elevation of the dwelling. The Technical Report supplied in support of the application may be referred to for information on specific areas of damage. The degree of damage is category 3 (5-15mm) as listed in the Building Research Establishment; Digest 251.
- 6.4 The following supporting documents have been appended to the application:
- Arboricultural Appraisal Report (08.01.19)
 - Technical Report (24.08.18)
 - Level Monitoring (14.09.18 – 20.09.19)
 - Site Investigation Report (10.09.18)
 - Statement of Reasons

A site visit was carried out by the Council's Principal Tree Officer on 7th April 2019. The weather was overcast with light rain. Access internally to the property was not possible at the time of the visit. Tree survey data has been submitted as part of the application supporting documents and reference tree dimensions. No defects have been noted by the tree surveyor. The oak tree is situated 9.4m from the dwelling. The height of the tree was measured to be 15m and the zone of influence is therefore calculated to be 18.7m.

- 6.5 Two boreholes (BH1/BH2) were excavated as part of the investigation. Foundations are revealed at depths of 550mm in BH1 and 1200mm in BH2. Root identification in BH1 reveals oak roots are beneath the foundations of the dwelling. Root identification in BH2 did not reveal live results, but were closest matched to a row of historic cypress trees and oak.

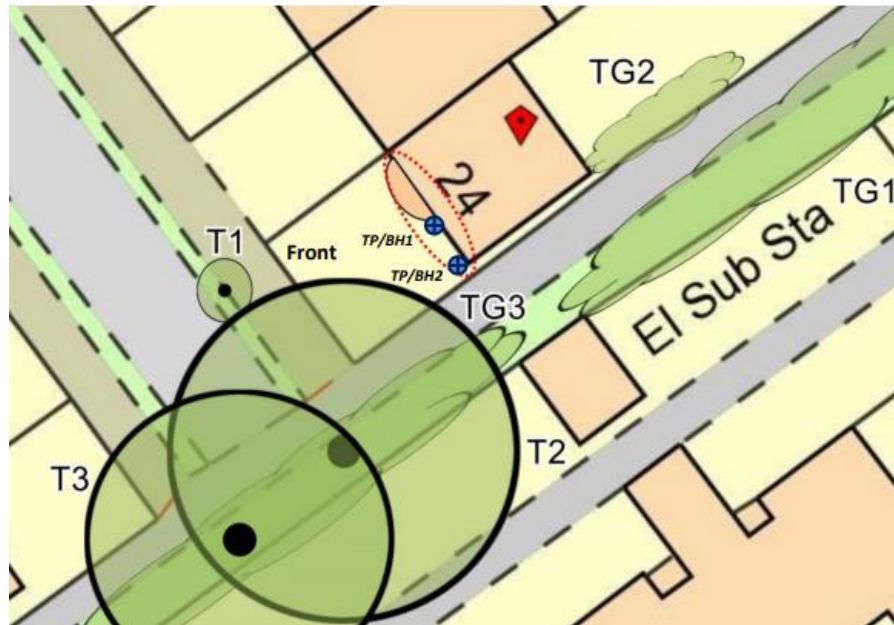


Figure 3 - Site Plan

- 6.6 Level monitoring results indicate movement associated with seasonal soil moisture loss. Movement is most severe at monitoring stations 4 - 6 positioned along the front elevation. The period of monitoring is 12 months from September 2018 to September 2019.
- 6.7 Soil analysis has proven that the plasticity index is high, indicating an increased potential for volume change. The highest reading recorded indicates a plasticity index of 52%.
- 6.8 The Engineer has recommended the trees be felled to remove the influence on the local soil conditions. The Arboricultural Consultant has agreed that tree felling is required.
- 6.9 Drainage defects have been discounted from the investigation based on the findings of the level monitoring and soil analysis.
- 6.10 The estimated cost of repairs if the trees remain is £50,000 and £14,000 if the trees are removed.
- 6.11 A heave assessment has not been included in the investigation.

7 CONCLUSION

- 7.1 The foundations are not considered deep enough to withstand the influence of the subject tree within the zone of influence. The required foundation depth has been calculated to be a depth exceeding 2.5m. This is based on the highest actual plasticity index record. A full structural foundation design is required to address the risk of subsidence.
- 7.2 Damage to the dwelling is isolated to the front elevation. Foundations in BH1 beneath the bay window are noticeably shallower than that revealed in BH2. Bay windows are known to be a structural weakness in older buildings.
- 7.3 The age of the property dates back to the 1930s and the tree is estimated to be older than the property.
- 7.4 Level monitoring data supplied, indicates the building has sunk and then risen. The reports submitted in support of the application have concluded that seasonal movement is occurring.
- 7.5 No evidence has been presented to discount defective drainage.
- 7.6 The external damage was noted during the site visit. The cracking around the front door and referred to within the Technical Report (SU1803151) would be consistent with subsidence related damage. Category 3 cracks were measured externally around the framework of the front door.
- 7.7 A monetary value has been applied to the oak tree 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.
- 7.8 The subject tree is valued at £131, 331. The costs of repair are therefore substantially less than that of the trees value.
- 7.9 Alternative methods of stabilisation by way of root barrier installation have been discounted due to the lack of space.
- 7.10 The investigation findings have demonstrated on the balance of probability that the subject tree is causing seasonal movement of a cyclical nature.
- 7.11 The risk of heave has not been addressed and has therefore not ruled out that greater damage may be caused through tree removal.

7.12 Members are recommended to refuse the application to defend the implicated trees. Further detail would be required to address the concerns raised in this report. Members should consider the value of the trees against the costs of repairs in this case. Should consent be granted, it will be necessary to apply planning conditions in mitigation to require replacement planting.

8 Financial Implications

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

8.2 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.

RECOMMENDATION: Refusal

T2 Oak adjacent to 24 Hill Close - Remove.
SUBJECT TO TPO 1552 (21.12.1998)

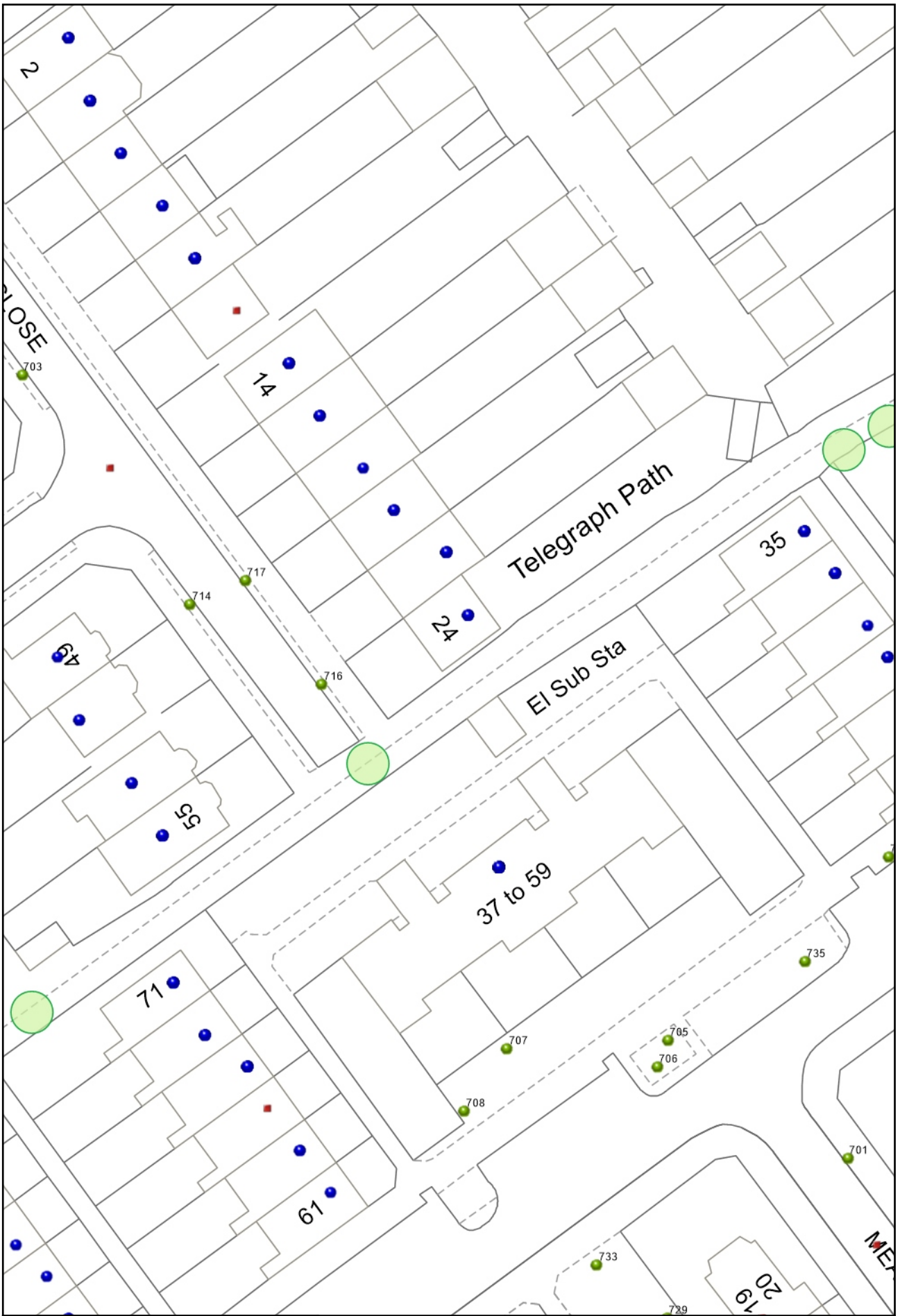
Reason:

The application has failed to acknowledge the adequacy of the dwelling's foundations and the construction design. Defective drainage has not been ruled out as a contributing factor. The value of the trees exceeds the estimated costs of repair. The proposals would negate the objectives of the TPO and therefore conflict with Policies 73, 74 of The Bromley Local Plan (adopted January 2019), Policy 7.21 of The London Plan (adopted March 2016) and The London Borough of Bromley Tree Management Strategy (2016-2020).

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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22 May 2020

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Agenda Item 6.1

Committee Date		
Address	West Wickham Methodist Church Hawes Lane West Wickham BR4 9AA	
TPO No.	2684	Officer Chris Ryder
Ward	West Wickham	
Proposal	Confirmation of Tree Preservation Order (TPO) 2684	
Reason for referral to committee	Objections received	Councillor call in No
RECOMMENDATION		Confirmation without modification

KEY DESIGNATIONS
Tree Preservation Order (TPO) 2684

Representation summary	Objection on behalf of West Wickham Methodist Church
Total number of responses	1
Number in support	0
Number of objections	1

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- To consider one objection received against the making of Tree Preservation Order (TPO) 2684.
- The yew tree (T1) makes an important contribution to the visual amenity of the surrounding local area and is awarded high amenity value.
- Members must determine to confirm the TPO or allow it to lapse.

2 LOCATION

- 2.1 The application site is located on the south side Hawes Lane, close to the junction with Linden Leas.
- 2.2 Tree Preservation Order (TPO) 2684 was made on 13th January 2020 to secure protection to the yew tree fronting Hawes Lane.



Figure 1 - West Wickham Methodist Church



Figure 2 - Yew (T1)

3 RELEVANT PLANNING HISTORY

- 3.1 The relevant planning history relating to the application site is summarised as follows:
- 3.2 Under ref. 14/03473/FULL6 planning permission was granted for Remodelling of front facade, single storey side extensions and internal alterations, alterations to access paths and landscaping.
- 3.3 Under ref. 13/02238/OUT planning permission was granted for the demolition of church and meeting room and construction of one detached and two semi-detached residential units (OUTLINE APPLICATION).
- 3.4 Under ref. 12/03559/FULL1 planning permission was refused for the formation of new vehicular access, associated hardstanding and disabled parking space to No. 118 Hawes Lane. Alterations to existing access and formation of 6 new parking spaces including 1 disabled space to the Hawes Lane frontage.
- 3.5 Under ref. 12/03560/OUT planning permission was refused for the demolition of church and meeting room and construction of one detached and two semi-detached residential units (OUTLINE APPLICATION).

4 CONSULTATION SUMMARY

- 4.1 Two site notices were displayed in the public domain near the tree. The land owner/occupier was served the TPO by recorded delivery. Immediate neighbours were notified in writing of the TPO service.
- 4.2 One objection was received on behalf of West Wickham Methodist Church and is summarised as follows:
- Reference is made to the planning history and the historic refusals.
 - The church buildings are outdated and the church, as a small charitable body, is frustrated by the planning process.
 - The presence of the TPO is considered an additional burden.
 - The church seeks to re-develop and provide modern facilities.
 - The tree is considered less than 30 years of age.
 - The tree was planted by a member of the church and is utilised for church activities. Occasional trimming is undertaken.
 - The TPO is considered a burden, should the tree need to be removed.
 - An issue of funding is explained and concern is raised to the cost of submitted further applications/submissions to address the TPO.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 The London Plan

7.21 Trees and Woodlands

5.3 Draft London Plan

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 Bromley Local Plan 2019

42 Conservation Areas
73 Development and Trees
74 Conservation and Management of Trees and Woodlands

5.5 The London Borough of Bromley Tree Management Strategy 2016-2020

Section 18

5.6 National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)

Paragraph 020 - 057

6 COMMENTARY

- 6.1 The TPO was made on 13th January 2020 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.
- 6.2 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the tree merited preservation. In summary, the tree occupies a prominent position in the locality, with a suitable retention span and a high level of public visibility. Tree maturity, cohesion and visibility in the public domain are primary factors in terms of assessing amenity value.
- 6.3 The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing the tree and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.
- 6.4 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. The tree is significant and should be protected regardless of the low threat level. Confirmation with modification is recommended.

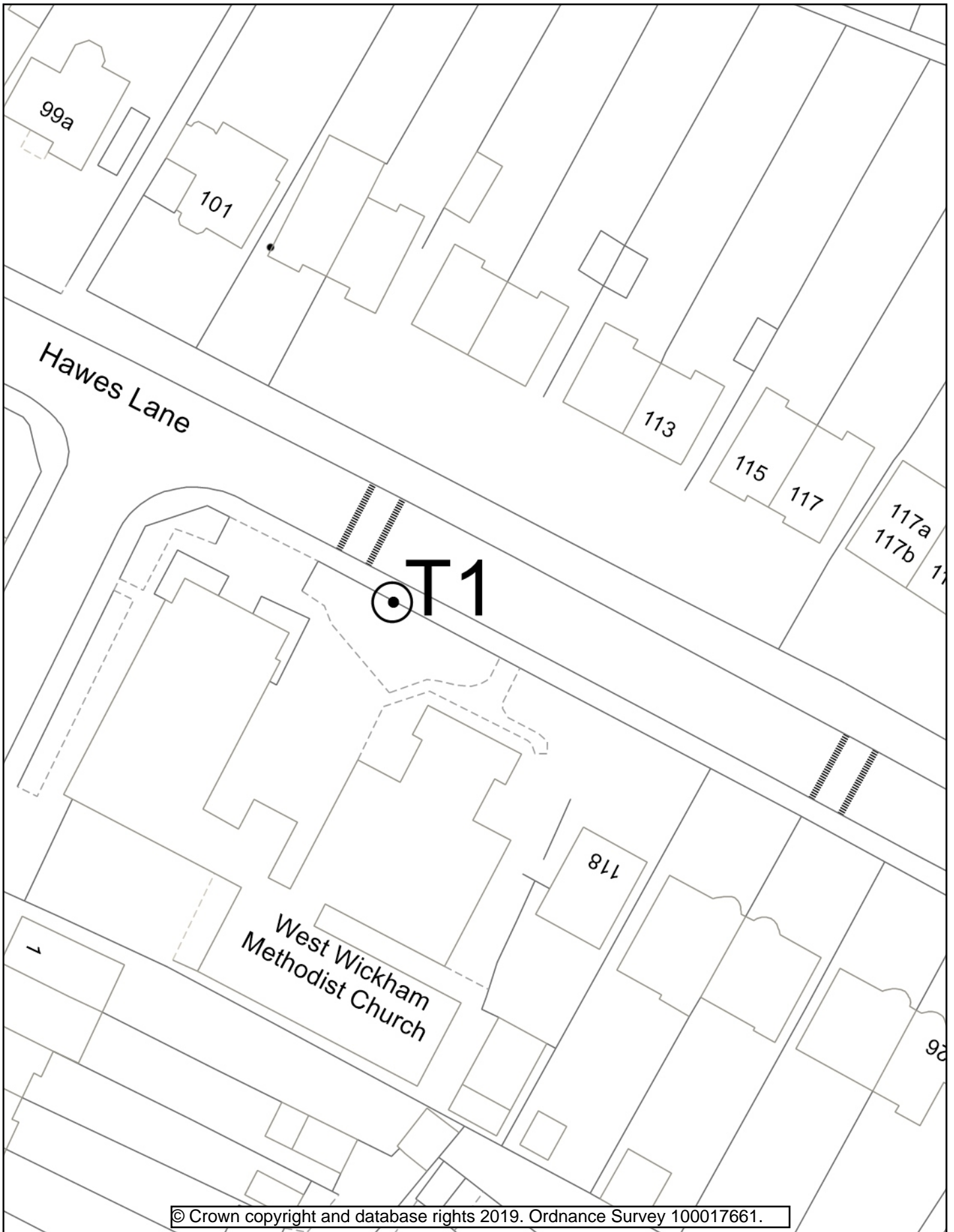
7 RESPONSE TO OBJECTIONS

- 7.1 The TPO is not designed to prevent necessary works. Any proposed works will be considered for consent via the application process.
- 7.2 The application process in respect of protected trees is free of charge and is therefore not be any additional cost to the church.
- 7.3 Historical developments have incorporated the tree into the design/layout. Any future submissions would be expected to consider the tree a constraint.

8 CONCLUSION

- 8.1 The TPO will cease to be valid upon expiry of 6 months from the date of service.
- 8.2 The impact upon the church is negligible in light of historic planning permission and future cost considerations.
- 8.3 Members are advised to confirm the TPO as recommended.

RECOMMENDATION: Confirm TPO without modification.



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TOWN PLANNING



Tim Horsman
 Assistant Director (Planning)
 Planning Division
 London Borough of Bromley
 Stockwell Close, Bromley BR1 3UH
 Tel: 020 8464 3333

TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
 CONCERNING

West Wickham Methodist Church and Church Hall, Hawes Lane, West Wickham

Scale: 1:512



20.12.2019

T.P.O. No. 2684

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Agenda Item 6.2

Committee Date			
Address	40 Silverdale Road Petts Wood Orpington BR5 1NJ		
TPO No.	2687	Officer	Chris Ryder
Ward	Petts Wood & Knoll		
Proposal	Confirmation of Tree Preservation Order (TPO) 2687		
Reason for referral to committee	Objections received	Councillor call in No	
RECOMMENDATION		Confirmation without modification	

<p>KEY DESIGNATIONS</p> <p>Tree Preservation Order (TPO) 2687 Tree Preservation Order (TPO) 333</p>
--

Representation summary	Objection from property owner and neighbours		
Total number of responses		3	
Number in support		0	
Number of objections		3	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- To consider one objection received against the making of Tree Preservation Order (TPO) 2687.
- The oak tree (T1) makes an important contribution to the visual amenity of the surrounding local area, is cohesive with other trees in the vicinity and is awarded high amenity value.
- Members must determine whether to confirm the TPO or allow it to lapse.

2 LOCATION

- 2.1 The site is located on the east side of Silverdale Road, close to the junction with Hazelmere Road.
- 2.2 Tree Preservation Order (TPO) 2687 was made on 24th January 2020 to secure protection to the oak tree in the rear garden of 40 Silverdale Road.



Figure 1 – 40 Silverdale Road



Figure 2 - Oak (T1)

3 RELEVANT PLANNING HISTORY

3.1 No relevant history.

4 CONSULTATION SUMMARY

4.1 The land owner/occupier was served the TPO by recorded delivery. Immediate neighbours were notified in writing of the TPO service.

4.2 Three objections were received and are summarised as follows:

- a) The past property owners had not managed the tree.
- b) The tree overhangs properties severely.
- c) The canopy is close to nearby roofing and is therefore responsible for gutter blockages.
- d) The TPO would restrict pruning works.
- e) The mass of the tree impacts light access to the properties.
- f) The amenity value of the tree is questioned when compared against those situated at the end of gardens.
- g) The size of the tree is now considered a nuisance.
- h) Falling debris has been raised as a concern.
- i) One of the dwelling's occupants is allergic to the oak tree. Symptoms have worsened due to the tree.

- j) The owner of the property and tree should have the right to its management.
- k) Only a portion of the tree is visible from the street scene. Amenity value is only to neighbours opposite.
- l) The tree is 4m from a garage and 9.8m from the dwelling, which poses a risk to building structural integrity. An extract from a homebuyer report is appended and refers to the risk of damage to buildings due to oak trees on clay soils. The report indicates that biannual maintenance pruning is required. Such measures were not a factor when buying the neighbouring property. The Root Protection Area (RPA) has been calculated to exceed 12m. Evidence of movement around the front bay window is referred to within the appended homebuyers report.
- m) Design considerations are listed as interpreted from British Standard 3857.
- n) Gardens are impacted as a result of shade and restrict enjoyment.
- o) The tree is considered to be a contributing factor to damp issues with a neighbouring property.
- p) Leaf fall is noted as a seasonal maintenance complaint.
- q) The tree is suspected to be causing damage to the neighbouring garage.
- r) Tree roots are causing localised lifting of hard landscaping and subsequent trip hazards.
- s) Risk of drain damage; photo appended.
- t) The tree has clearly previously been maintained.
- u) The neighbouring dwelling was purchased on the basis that the subject tree was not subject to a TPO. This is supported by an email to the estate agent, appended to the objection.
- v) The presence of the TPO will impact the future sale of properties.
- w) The tree/TPO would restrict the future extension of the properties to the rear.
- x) The absence of maintenance could result in an issue with the insurance policies.
- y) The removal of the subject tree would open up views to trees at the end of the garden.
- z) The past assessment of trees covered under the older TPO resulted in no protection being placed on the subject oak tree. This would suggest a logical decision was made not to include the tree due to the distance to dwellings.
- aa) It is not considered fair that when an enquiry was made and the following result was the service of the TPO.
- bb) The replacement of the tree would be supported.

5 POLICIES AND GUIDANCE

5.1 National Policy Framework 2019

15. Conserving and enhancing the natural environment

5.2 **The London Plan**

7.21 Trees and Woodlands

5.3 **Draft London Plan**

G1 Green Infrastructure and Natural Environment
G7 Trees and Woodlands

5.4 **Bromley Local Plan 2019**

42 Conservation Areas
73 Development and Trees
74 Conservation and Management of Trees and Woodlands

5.5 **The London Borough of Bromley Tree Management Strategy 2016-2020**

Section 18

5.6 **National Planning Guidance - Tree Preservation Orders and trees in conservation areas (Ministry of Housing, Communities and Local Government)**

Paragraph 020 - 057

6 COMMENTARY

6.1 The TPO was made on 24th January 2020 in accordance with The Town and Country Planning Act 1990 sections 198 – 202G.

6.2 Further to a visual assessment adopting the TEMPO (Tree Evaluation Method for Preservation Orders) scoring system, a new TPO was considered justified as the tree merited preservation. In summary, the tree has a suitable retention span, a moderate level of public visibility and is cohesive with other trees in the rear gardens of properties in the road.

6.3 The Order does not prevent future works from being carried out, but it requires that the Council's consent be gained prior to removing the tree and prior to carrying out most forms of tree pruning. In assessing applications to remove trees or carry out pruning, the Council takes into account the reasons for the application, set alongside the effect of the proposed work on the health and amenity value of the trees.

6.4 The TPO is valid for 6 months from the date the order was made. If the TPO is not confirmed within this period, the TPO will cease to exist. Considering the perceived risk to tree as a result in the change of ownership, the continued preservation is pursued.

7 RESPONSE TO OBJECTIONS

- a) The TPO is not designed to prevent necessary works. Any proposed works will be considered for consent via the application process.
- b) A reasonable level of pruning to provide clearance would be accepted following an application.
- c) As above. Gutter guards may be installed to reduce blockages.
- d) Pruning works would be considered on the merits of an application.
- e) Pruning may improve light access, but light loss is not an actionable nuisance in English law in respect of broadleaf trees.
- f) An amenity assessment of the tree concludes that a TPO is justified.
- g) The relationship between property and the natural environment should maintain a balance. The tree should be respected as a feature that existed before the dwelling was built.
- h) Seasonal debris can be removed under exemption.
- i) The tree should not be harmed to address symptomatic complaints of occupants.
- j) Necessary and acceptable management will not be opposed.
- k) The officer's assessment has demonstrated that on the basis of age, cohesion and partial public visibility, a TPO is justified.
- l) More details on property damage would be required as stated in the application form used to apply for works. Evidence of property damage would not necessarily result in consent being granted for proposed works.
- m) British Standard 3857 is relevant to design considerations. The properties are long established.
- n) Gardens containing trees would be foreseeably impacted by shade caused by tree coverage.
- o) Technical reports would need to be supplied and proposed solutions submitted under the application process. This would not guarantee planning consent.
- p) Leaf fall is a seasonal nuisance that all property owners are expected to tolerate, where mature vegetation exists.
- q) As per paragraph (l).
- r) Hard surfacing built around a mature tree would always be at risk of localised distortion. The tree should not have to suffer to repair hard landscaping. A more suitable surface material or design would be guided.
- s) As per paragraph (l). Tree roots are generally attracted to broken drainage.
- t) As per paragraph (a).
- u) Properties were purchased in the knowledge of mature trees in rear gardens.
- v) The London Borough of Bromley Tree Management Strategy (2016-2020) acknowledges the property value gained by the presence of trees.
- w) Proposed developments would be assessed against Council Policy. The tree would remain a development constraint. Each case would be assessed on its own merits.
- x) Trees at this distance from dwellings are common. General maintenance pruning would be considered under application. The demands of an insurance policy would not guarantee planning consent.
- y) It is Council Policy to promote the retention and protection of important trees. The removal of the tree to open a vista would conflict with Council Policies.

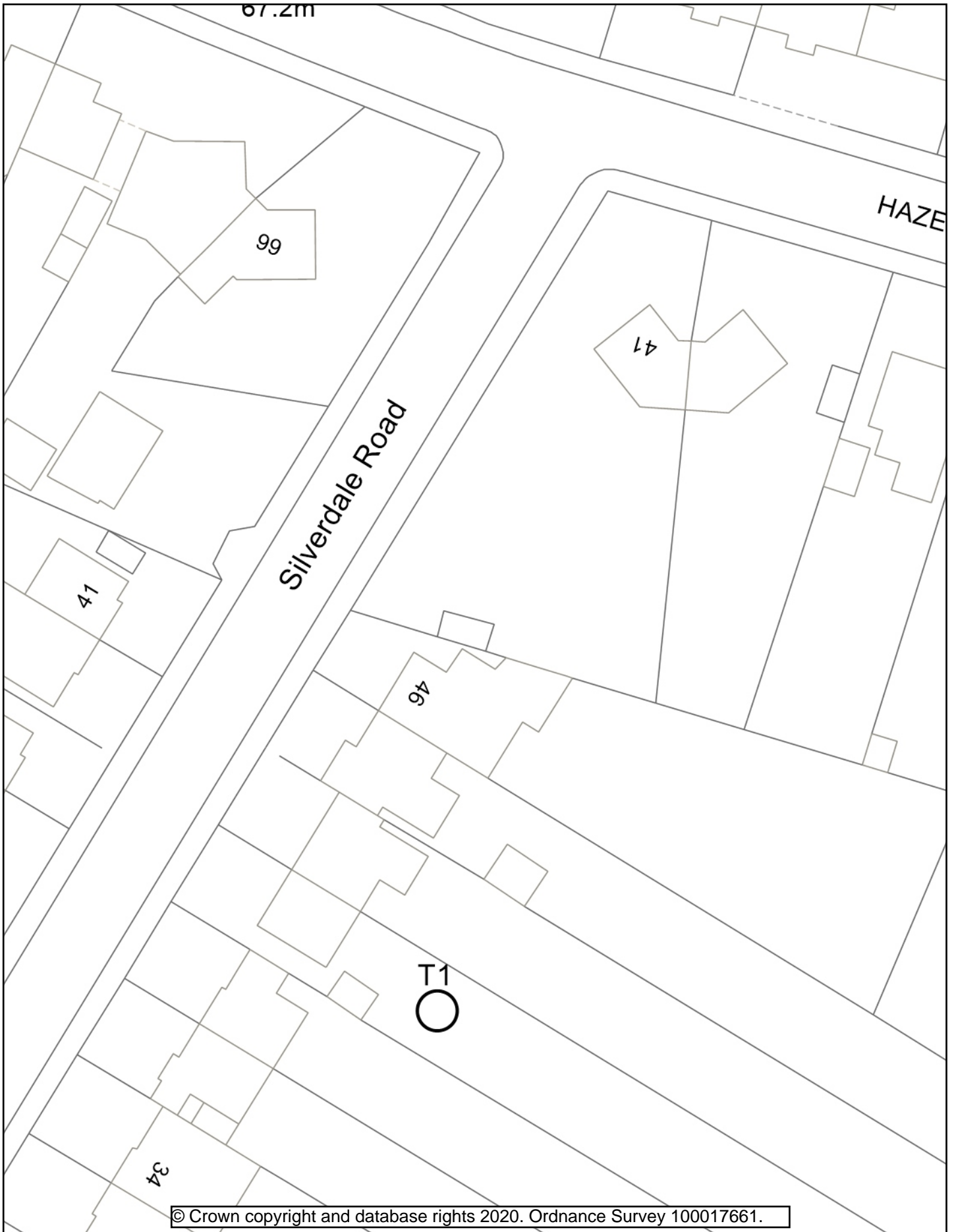
- z) TPO 333 did not include the subject tree in the past assessment. No officer notes are available to address why the tree was not included in the schedule of TPO 333. A formula (TEMPO) to assist officer evaluation was introduced in 2016 and adopts a criteria based method of assessment. The outcome of the assessment is that TPO 2687 is merited. The assessment sheet has been appended to the TPO file, however, is a decision making guide for the officer and not available for public scrutiny.
- aa) The Council are made aware and react to threats to trees by undertaking amenity assessments. This is not a deliberate action, but part and parcel of the Council's responsibility to ensure tree populations are preserved.
- bb) Tree replacement would be a planning condition, should tree removal later be justified and permitted.

8 CONCLUSION

- 8.1 The TPO will cease to be valid upon expiry of 6 months from the date of service.
- 8.2 A level of management may be considered reasonable, should a justified application be submitted. Damaging works will be opposed.
- 8.3 Members are advised to confirm the TPO as recommended.

RECOMMENDATION: Confirm TPO without modification.

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TOWN PLANNING



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TREE PRESERVATION ORDER

TOWN AND COUNTRY PLANNING ACT 1990
 CONCERNING
 40 Silverdale Road, Petts Wood, Orpington, BR5 1NJ

Scale: 1:500



20.01.20

T.P.O. No. 2687

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