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DATE: 29 March 2021

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 on **THURSDAY 8 APRIL 2021 AT 6.00 PM**

PLEASE NOTE: This is a 'virtual meeting' and members of the press and public can see and hear the Sub-Committee by visiting the following page on the Council's website – <https://www.bromley.gov.uk/councilmeetingslive>
Live streaming will commence shortly before the meeting starts.

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 stephen.wood@bromley.gov.uk (telephone 020 8313 4316) 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 4 FEBRUARY 2021 (Pages 1 - 8)

4 PLANNING APPLICATIONS

Report No.	Ward	Page No.	Application Number and Address
4.1	Crystal Palace	9 - 20	(20/02021/TPO) - 70 Maberley Road, Anerley, London, SE19 2JD
4.2	Petts Wood and Knoll	21 - 34	(20/04607/FULL6) - 150 Kingsway, Petts Wood, Orpington, BR5 1PU
4.3	Bickley	35 - 54	(20/04614/FULL1) - Foxhollow, Merlewood Drive, Chislehurst, BR7 5LQ
4.4	Bickley	55 - 62	(20/04648/PLUD) - Flat 3, 20 Orchard Road, Bromley, BR1 2PS
4.5	Petts Wood and Knoll	63 - 88	(20/05062/FULL1) - 94 Towncourt Lane, Petts Wood, Orpington, BR5 1EJ

5 CONTRAVENTIONS AND OTHER ISSUES

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

6 TREE PRESERVATION ORDERS

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

The Council's [Local Planning Protocol and Code of Conduct](#) sets out how planning applications are dealt with in Bromley.

PLANS SUB-COMMITTEE NO. 1

Minutes of the meeting held at 6.00 pm on 4 February 2021

Present:

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

Also Present:

Councillors Peter Dean and Richard Scoates

19 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

An apology for absence was received from Councillor Kathy Bance MBE and Councillor Kevin Brooks attended as her substitute.

20 DECLARATIONS OF INTEREST

The Chairman declared a non-prejudicial interest in Item 4.8.

Councillor Angela Page declared a non-prejudicial interest in Item 4.5; she did not take part in the debate or vote.

21 CONFIRMATION OF MINUTES OF MEETINGS HELD ON 1 OCTOBER 2020 AND 26 NOVEMBER 2020

RESOLVED that the Minutes of the meetings held on 1 October 2020 and 26 November 2020 be confirmed and signed as a correct record.

22 PLANNING APPLICATIONS

22.1 DARWIN

(20/02390/FULL1) - Holwood Farm, Shire Lane, Keston, BR2 6AA

Description of application – Change of use of part of the Holwood Farm Green Barn to Class A1 for fishmonger and changes to the car park layout (retrospective).

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

Supplementary information and photographs had been received from the applicant and the objector and circulated to Members.

Councillor Christine Harris objected to the retrospective change of use of the outbuilding known as 'Green Barn' to a fishmongers and her opinion was that a non-permanent 'pop-up' would be more suitable. She also referred to the waste bins outside 'Green Barn' which could be viewed from two residents' patios that emanated an odour and she objected to the application and moved refusal.

Councillor Suraj Sharma seconded refusal.

The Chairman supported the application on the grounds that it would not be a significant loss of amenity to neighbours or to the Green Belt and it would not cause a road safety issue.

Councillor Katy Boughey referred to the history of the site which had grown from a farm shop into a major hub and had outgrown its space. Her view was that the waste should be contained within 'Green Barn' and she objected to the application.

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

1. The proposed change of use would be an intensification of the site which is considered inappropriate in the Green Belt and would have a detrimental impact residential amenity of the adjoining neighbours, contrary to Policy 49 of the Bromley Local Plan, Policy 7.16 of the London Plan and the National Planning Policy Framework.

**22.2
DARWIN**

(20/02391/FULL1) - Holwood Farm, Shire Lane, Keston, BR2 6AA

Description of application – Part change of use of Green Barn to provide take-away tea and coffee facilities, use of a grassed area to rear of Green Barn for outside customer seating, relocation of pergola to grassed area, addition of fencing, provision of cycle parking, reuse of storage container for 'Click and Collect' facilities and addition of 4 car parking spaces.

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

Supplementary information and photographs had been received from the applicant and the objector and circulated to Members. Councillor Christine Harris had visited the site visit on 4 February 2021 and following her visit, supplementary information and photographs had also been received and circulated to Members.

Members having considered the report, objections and representations, **RESOLVED that PERMISSION BE REFUSED** as recommended, for the reason set out in the report of the Assistant Director, (Planning and Building Control).

**22.3
KELSEY AND EDEN PARK
CONSERVATION AREA**

**(20/02598/FULL6) - 59 Manor Way, Beckenham
BR3 3LN**

Description of application – Construction of 2 summerhouses to rear garden and replacement fence.

Oral representations in objection to and in support of the application were received. Oral representations from Ward Member, Councillor Peter Dean, in objection to the application were received at the meeting. Supplementary information and photographs had been received from the applicant and circulated to Members.

Councillor Dean referred to the history of the site and to application 18/01004/FULL6 for the erection of an outdoor swimming pool with raised terrace and to the conditions attached to that permission which had been discharged under application 18/01004/CONDIT. He had visited the site and his view was as the pool and terrace took up half of the garden the proposed development would be an inappropriate development and it would also be inappropriate in the conservation area. He also referred to the picket fence between Numbers 59 and 61 that was approximately 1 metre high and he acknowledged it was in a state of disrepair. However, on both sides of the fence extending to about 1 metre were mature shrubs, foliage and trees and he objected to the removal of this screening.

Councillor Harris had also visited the site and her view was that the photographs received from the applicant did not represent the actual size of the garden and they showed the proposed summerhouses to be out of scale and she objected to the application being an

overdevelopment.

The Chairman also referred to the size of the swimming pool and the mature screening between the houses and she objected to the application being inappropriate in the conservation area and contrary to residential amenity in the conservation area.

The Assistant Director (Planning and Building Control) representative informed Members that the site lay adjacent to Urban Open Space and that she had done an exercise to measure the size of the rear taking into account the existing terrace/pool and proposed buildings etc. and the rear garden coverage excluding the pathway would be approx. 25% i.e. 800 square metres.

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

1. The proposal by reason of the cumulative site coverage at the rear and the impact on the boundary screening would have a detrimental impact on the character of the conservation area and the visual and residential amenities of the area in general, contrary to Policies 37 and 41 of the Bromley Local Plan.

**22.4
FARNBOROUGH AND
CROFTON
CONSERVATION AREA**

(20/02749/TPO) - Balgonie Cottage, Hazel Grove, Orpington, BR6 8LU

Description of application - T4 Oak - Reduce in height by approx. 6m and lateral spread by approx. 3m.
T5 Ivy-covered Oak in rear left corner - Section fell to as close to ground level as practicable and treat stump with eco plugs to prevent regrowth.

Supplementary information regarding level monitoring data had been received and circulated to Members.

Members having considered the report, **RESOLVED that THE APPLICATION BE DEFERRED**, without prejudice to any future consideration, to allow the applicant to provide further monitoring evidence.

**22.5
COPERS COPE**

(20/03610/FULL1) - Land and Garages adjacent Warwick Court, Park Hill Road, Shortlands

Description of application – Demolition of existing garages/storage building and the construction of a detached two bedroom dwelling, with ancillary parking

and bin storage facilities.

Oral representations in support of the application were received at the meeting. This application had not been called in by a Ward Member as stated in the report but had been considered as a 'controversial matter'. It was reported that Councillor Mellor objected to the application.

Councillor Harris had visited the site with Ward Member, Stephen Wells, and they objected to the application.

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

1. The proposed development, by reason of its design, layout and lack of side space would result in a lowering of the high spatial standards that exist in this location, resulting in a cramped, piecemeal form of development being created that appears at odds with the character of the locality and is detrimental to the amenities of nearby neighbours as well as future residents that may occupy the proposed dwelling by way of visual impact, loss of outlook and lack of privacy, thereby contrary to Policies 4, 8 and 37 of the Bromley Local Plan.

**22.6
FARNBOROUGH AND
CROFTON**

(20/03612/FULL1) - 9 Crofton Road, Orpington, BR6 8AE.

Description of application – Two storey side and single storey rear extensions, roof alterations/enlargement with conversion of existing/proposed loft to provide additional flat at first/second floor level and enlarged accommodation for the dental surgery at ground floor level.

Oral representations in support of the application were received at the meeting. An email with a revised plan attached to show the provision of an electric car charging point in the car park had been received from the Agent on 29 January 2021.

Members having considered the report, objections and representations, **WERE MINDED TO GRANT PERMISSION SUBJECT TO THE PROVISION OF A REVISED INTERNAL LAYOUT TO COMPLY WITH SPACE STANDARDS AND, IF ACCEPTABLE, TO**

**BE DETERMINED BY THE ASSISTANT DIRECTOR
UNDER DELEGATED POWERS.**

**22.7
PETTS WOOD AND KNOLL**

**(20/03924/FULL6) - 49 Birchwood Road, Petts
Wood, Orpington, BR5 1NX**

Description of application - Proposed single storey side/rear extension forming a new store room/covered barbeque area and installation of 2no. new bi-folding doors to the rear elevation.

It was reported that the application had been amended by a revised plan received on 1 February 2021 and the neighbour had therefore withdrawn his objection to the application.

Page 142, paragraph 3.1 of the report pack had been amended to read, 'Permission is sought to create a side and rear extension that would incorporate a store room to the side and a partially open-sided barbeque area to the rear. It would have an overall depth of 14.5m, a width at the side of 2.2m extending to a width of 2.7m towards the rear. It would have an eaves height of 2.8m and a ridge height of 3.8m.

Members having considered the report and objection, **RESOLVED that PERMISSION be GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, (Planning and Building Control) with an amendment to Condition 2 to read:-
"2. The development hereby permitted shall not be carried out otherwise than in complete accordance with drawing No. 20174_002. REV J as approved under this planning permission. The development will be contained within the development site and there shall be no overhanging of eaves or rainwater goods onto neighbouring land.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the visual and residential amenities of the area."

**22.8
BROMLEY COMMON AND
KESTON
CONSERVATION AREA**

**(20/03968/FULL6) - Woodside, Barnet Wood Road,
Hayes, Bromley, BR2 8HJ**

Description of application – Convert garage into habitable room. Construct disabled ramp to rear and enclosure of existing rear porch.

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

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

**22.9
COPERS COPE
CONSERVATION AREA**

(20/03999/TREE) - 10 Crab Hill, Beckenham, BR3 5HE

Description of application – Fell T1 Holly to combat subsidence damage to 8 Crab Hill.

THIS APPLICATION WAS WITHDRAWN BY THE ASSISTANT DIRECTOR, (PLANNING AND BUILDING CONTROL).

**22.10
SHORTLANDS**

(20/04090/FULL6) - 99 Elwill Way, Beckenham, BR3 6RX

Description of application – Part conversion of existing garage, erection of first floor side extension and two storey side/rear extension, demolition of rear conservatory to be replaced with single storey rear extension.

Oral representations in support of the application were received at the meeting. It was reported that on page 183 of the agenda pack, paragraph 8.1. should be amended to read, “Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would not result in a significant loss of amenity to local residents and impact detrimentally on the character of the Area of Special Residential Character.”

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

The Meeting ended at 7.55 pm

Chairman

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Agenda Item 4.1

Committee Date	8 th April 2021		
Address	70 Maberley Road Anerley London SE19 2JD		
Application Number	20/02021/TPO	Officer Chris Ryder	
Ward	Crystal Palace		
Proposal	T1 Oak - Remove		
Applicant Mr Quinton 70 Maberley Road Anerley London SE19 2JD	Agent Vicki Harrison MWA Arboriculture Bloxham Mill Business Centre Barford Road Bloxham Banbury OX15 4FF		
Reason for referral to committee	Subsidence related financial risk	Councillor call in	
RECOMMENDATION	Consent		

KEY DESIGNATIONS

Tree Preservation Order (TPO) 2663 (16.4.2019)
Tree Preservation Order (TPO) 311 (10.09.1986)

Representation summary	A number of objections were received from neighbours.	
Total number of responses	10	
Number in support	0	
Number of objections	10	

SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Members must decide whether to consent or refuse the proposed tree removal, based on the evidence submitted and the officer's assessment. A review of the tree's value has taken place and are updated in section 7.8 of this report
- Following deferral at the Committee of 26th November 2020, the agent has now supplied an appraisal of alternative repairs and a breakdown of the estimated costs.

PROPOSAL

1. This application has been made in respect of oak tree (T1) in connection with a subsidence investigation at 70 Maberley Road. The tree is positioned in the rear corner of the property, adjacent to the railway embankment. The felling of the tree is proposed to achieve building stabilisation in accordance with the professional recommendations.



Figure 1 - Oak (T1)

LOCATION

2. The application site is comprised of a semi-detached dwelling located on the east side of the road. The property backs onto the railway to the rear. Trees visible from the frontage have provided value to the street scene. Mature trees have been made the subject of TPOs. TPO 2663 was made following an earlier attempt to clear the oak trees and surrounding vegetation at the neighbouring property, 5 Hamlet Road, in 2019. The property dates back to 1860.

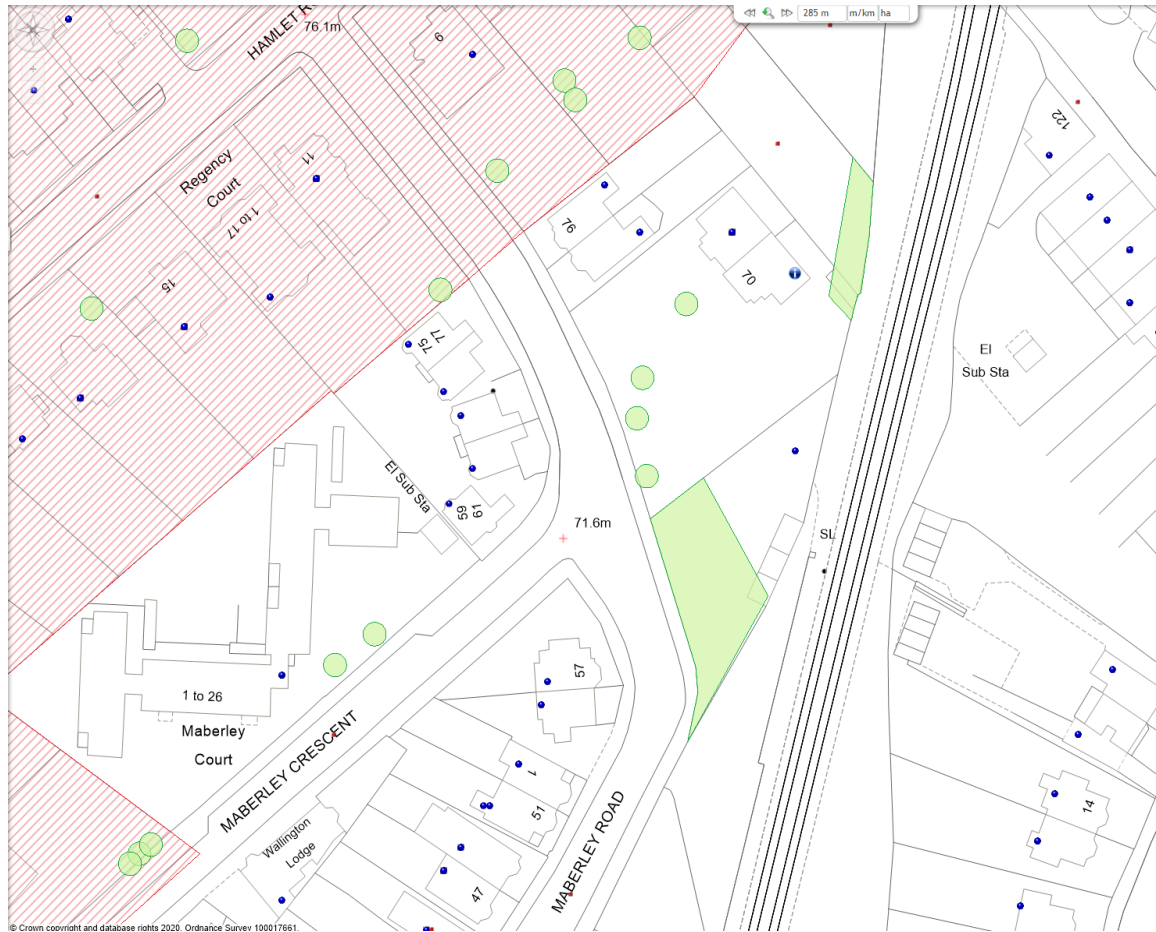


Figure 2 - Site Location

3 RELEVANT PLANNING HISTORY

- 3.1 Application 19/05291/FULL1 resulted in refused permission for a new dwelling fronting Maberley Road.
- 3.2 Application 19/00794/TPO allowed the felling of a yew tree on the front boundary of the property.
- 3.3 Application 14/03976/FULL6 resulted in retrospective planning permission for elevational and fenestration alterations, side canopy extension incorporating front/side/rear timber decking with balustrade and steps to garden
- 3.4 Application 14/00967/FULL6 permitted Single storey front extension, single storey side extension with roof terrace and balustrade above with steps to garden, rear dormer and rooflights and elevational alterations.
- 3.5 Application 11/00220/OUT refused permission for Demolition of Nos. 70 and 72 and erection of five storey block comprising 2 one bedroom and 15 two bedroom flats with 17 car parking spaces and bicycle parking at lower ground level and refuse/ recycling storage within building at front.
- 3.6 Application 89/00742/FUL refused a proposal for a 3 storey block comprising 6 two bedroom flats with 6 car parking spaces.

4 CONSULTATION SUMMARY

4.1 A site notice was displayed and ten representations were received:

- “I object to the planned removal of these trees. They are an essential barrier to noise from the railway and pollution generally from Anerley Road. They greatly enhance the character of the area and are important for local wildlife. Developers have recently cut down swathes of local flora already severely negatively impacting the locality and landscaping. The insurers are simply trying to save money rather than pay for the necessary support required by the building.”
- “I object to having the tree removed and wish for them to stay put!”
- "It would be a travesty to remove this tree. I cant see why they couldn't bring in machinery through the plot behind to do the root barrier work - especially as developers are hoping to build 4 houses on this plot. They could easily remove a fence temporarily to do this work."
- “The mature trees behind the houses on hamlet and Maberley road are a haven for wildlife, monuments in their own right, and part of what makes up the character of the area. I strongly object to the removal of any healthy trees.”
- “I strongly object to the removal of this beautiful tree. This tree is over 160 years old and borders the conservation area. I can see the tree from my rear windows and it helps to block the unsightly views and noise pollution caused by the railway line and passing trains. As well as being nice to look at, the tree also helps to combat air pollution.”
- “As the person that this beautiful 160yr old tree affects the most, is objecting to it's destruction, then I support his objection.”
- “This tree is over 160 years old and borders the conservation area. Our historic trees are an important amenity to our local area and need to be preserved. The trees in the area are important for residents' rights to privacy, the aesthetic nature of the area, buffering against the traffic noise and promoting air quality in an area of heavy traffic use.”
- “We must maintain our ancient trees. This tree is over 160 years old, it would be a great loss if it were felled. It would also expose the neighbouring houses to the noise and pollution of Anerley Road.”
- “We need to save our trees, not destroy/remove them”
- “I strongly object to the removal of this great old oak. We should be protecting these trees - not getting rid of them. After all it blocks the noise pollution from the railway.”

4.2 Building Control are not insured to provide consultation feedback on tree related subsidence cases. Should professional advice be required, an external Structural Engineer will need to be employed.

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)

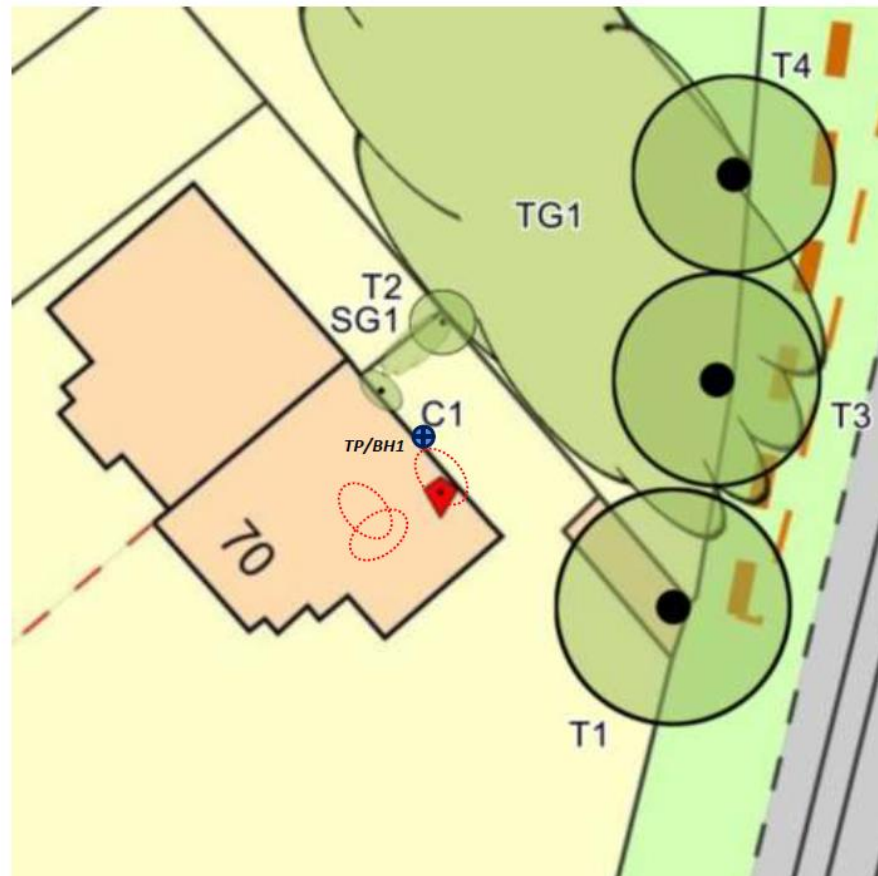
Paragraph 020 – 057

6 CONSIDERATIONS

- 6.1 Damage is occurring to the rear 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 4 (15-25mm) as listed in the Building Research Establishment; Digest 251.
- 6.2 Officers made a site visit on 1st April 2019 in connection with application 19/00864/TREE. This opportunity was used to assess the extent of the external damage referred to in the Technical Report. The subject tree is confirmed to be within the zone of influence. The tree has been measured at 8m from the eastern projection of the dwelling. Tree survey data has been submitted as part of the application supporting documents and reference tree dimensions. The tree appears to be of normal vitality with no recent management evident. The tree is estimated to be a similar age to the property.
- 6.3 The following supporting documents have been appended to the application:
- Arboricultural Report (28.01.19)
 - Statement of reasons for works
 - Root Identification (26.10.18)
 - Drainage Report (11.10.18)
 - Geotechnical Testing Analysis Report (24.10.18)
 - Site investigation report (11.10.18)
 - Addendum Technical Report (27.05.20)
 - Level Monitoring (30.07.19 – 18.05.20)
 - Technical Report (25.09.18)
- 6.4 The subject tree is confirmed to be within the zone of influence. The zone of influence is calculated to be 19m. 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.

6.5 A single Borehole (BH1) was excavated as part of the investigation. This revealed foundations to depths of 2.3m. Past underpinning appears to have been installed from the original foundations revealed at 900mm. Root identification in the borehole reveals oak roots are beneath the foundations of the dwelling. It is unknown whether underpinning is consistent along the footprint of the dwelling.

SITE PLAN



Plan not to scale – indicative only

 Approximate areas of damage

Figure 3 - Site Plan

6.6 Level monitoring results indicate movement associated with seasonal soil moisture loss. Movement is most severe at monitoring stations positioned along the rear elevation.

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 51%. Level monitoring results indicate movement associated with seasonal soil moisture loss.

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 The Engineer has pointed out that the defects noted in the Drainage Report would not have been a causal factor of the movement noted within the soil analysis.

6.10 The estimated cost of underpinning and repair is from £70,000. The estimated cost of superstructure repairs if the tree is removed is £8000.

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 minimum of 2.5m based on the highest actual plasticity index record.
- 7.2 The age of the property dates back to the 1860s. It is impossible to prove the tree was present prior to the construction of the dwelling without clear evidence. A core sample is the only way to demonstrate this and is not advisable in this case.
- 7.3 The reports submitted in support of the application have concluded that the subject tree is influencing the dwelling and causing seasonal movement. The evidence supplied has demonstrated that balance of probability exceeds 50%.
- 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 Drainage defects have been acknowledged and addressed by the Engineer.
- 7.6 A heave assessment has not been included in the investigation.
- 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 CAVAT valuation system is available for use in development control/management functions, including for trees subject to TPOs or in conservation areas. Ultimately, the key task of the system is to show the cost of the subject tree removal in the face of a particular scenario and demonstrate what level of mitigation would be required to satisfactorily replace an asset. In some circumstances, a mature tree could not be replaced by replanting initiatives.
- 7.9 The total value for the subject Oak tree is £23,853. At least one other oak tree is within the zone of influence at a distance of 11m. The implicated tree has only been calculated for the purposes of this assessment.
- 7.10 Since the cost of repairs and underpinning is greater than the value of the tree, members are recommended to approve the application. On the basis of the appraisal submitted, it is not cost effective to defend the tree's retention.
- 7.11 In response to the objections received; the tree is understandably a notable feature, cohesive with other trees in the vicinity. All the points made in the objections are acknowledged. It is the financial risks that are too high to warrant the Council to defend the tree in light of the evidence received.

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.
- 8.3 The Council must be prepared to defend against a compensation claim should the application be refused. Based on the latest case example where a subsidence case was refused and the Council had to defend a compensation claim, the costs of repair in view of tree retention and legal costs were considerations. Where costs of repair were estimated at £76000, the total costs of defending the case were circa £90000. Members should therefore anticipate at least a 25% increase in costs. This may relate to and is not limited to legal, investigation, expert costs and actual repairs.
- 8.4 The Council are currently on notice for 5 subsidence cases where decision have been refused. No further action has been taken at this stage, but Members must be aware of the potential implications involved in a legal challenge.

RECOMMENDATION: CONSENT

T1 Oak - Remove.

CONDITIONS

1. TL14 Tree Consent – Commencement

The tree works hereby granted consent shall be carried out within 2 years of the date of this decision.

Reason: In order to comply with Policy 73 of the Bromley Local Plan and in the interest of good arboricultural practice and the visual amenities of the area.

2. Replacement Trees (AG04)

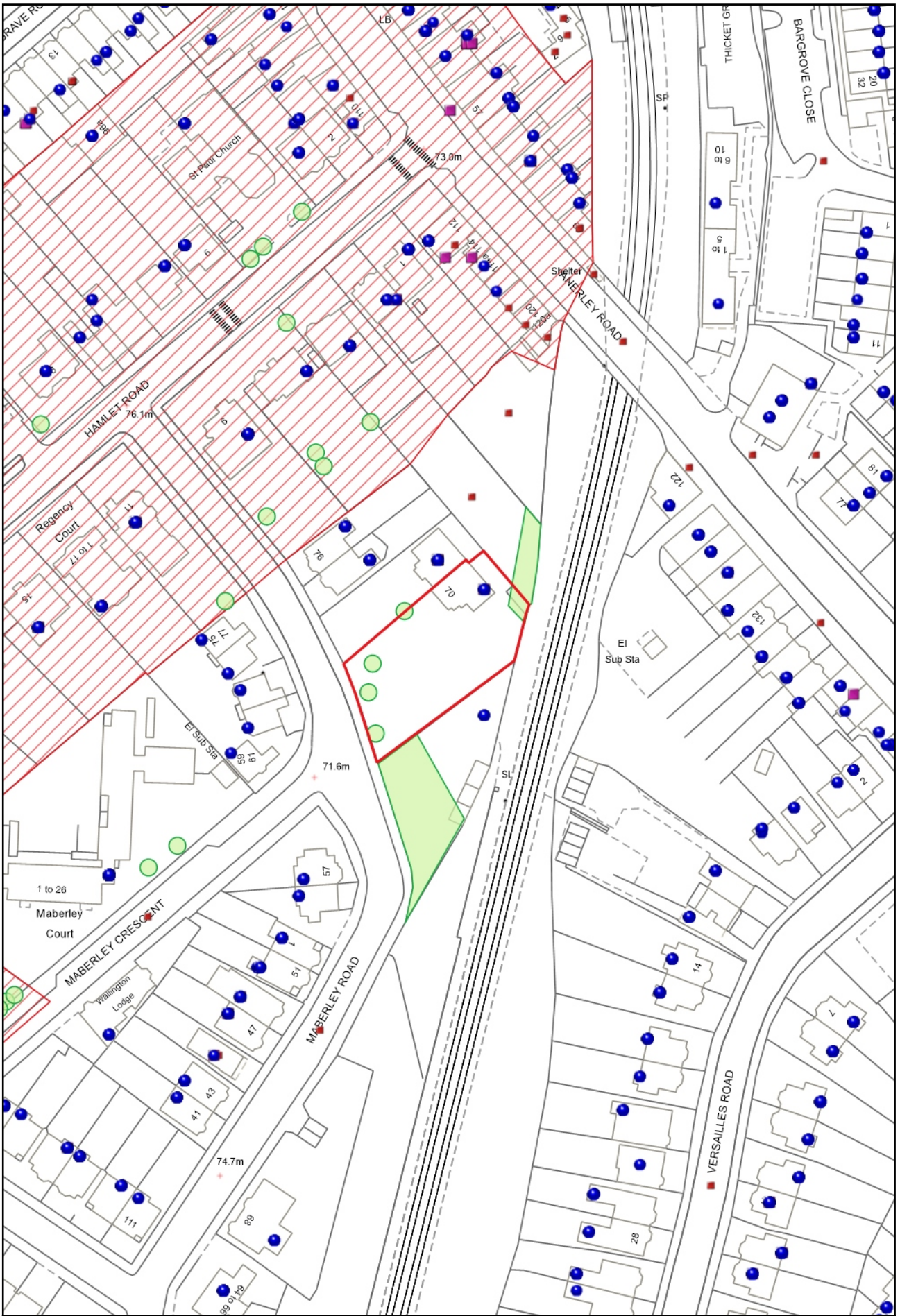
Three replacement Hawthorn trees (*Crataegus spp.*), root-balled or container grown of standard size (minimum 2m height) shall be planted within 2m of the felled tree. The replacement tree will be planted within 12 months of the removal of the subject tree(s). Any replacement tree which dies, is removed or becomes seriously damaged or diseased within 5 years of the date of this consent shall be replaced in the next planting season with another of similar size and species to that originally planted.

Reason: In order to comply with Policies 37, 73 and 74 of the Bromley Local Plan and in the interest of the visual amenities of the area.

INFORMATIVE

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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Planning

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Ordnance Survey 100017661.



20/2021/TPO - 70 Maberley, Road,
Anerley, London

26 March 2021

1:1250



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Agenda Item 4.2

Committee Date	08/04/2021	
Address	150 Kingsway Petts Wood Orpington BR5 1PU	
Application Number	20/04607/FULL6	Officer – Robin Evans
Ward	Petts Wood and Knoll	
Proposal	Demolition of existing conservatory and replacement with a two-storey front/side extension and single storey side/rear extension and elevational alterations.	
Applicant Mr & Mrs Williams	Agent	
150 Kingsway Petts Wood Orpington BR5 1PU		
Reason for referral to committee	Call-in	Councillor call in Yes

RECOMMENDATION	Resolve Not to Contest Appeal
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<p>KEY DESIGNATIONS</p> <p>Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 4</p>

Representation summary	Neighbour letters sent 18.12.2020	
Total number of responses	4	
Number in support	1	
Number of objections	3	

UPDATE

This application was deferred without prejudice by Members of the Plans Sub Committee 3 held on 4 March 2021, in order to seek amendments for a single storey extension only on grounds of design and neighbour amenity.

The Applicant has since lodged an appeal to the Planning Inspectorate against the non-determination of this application by the Council.

The application is therefore submitted to the Plans Sub Committee to seeks Members' resolution as to whether to contest the appeal.

The contents of the original report are repeated below, updated where necessary.

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not impact detrimentally on the character of the area including the Petts Wood ASRC,
- The development would not have a significantly harmful impact on the amenities of neighbouring residents
- The development would not have harmful highway impacts.

2. LOCATION

- 2.1 The application site is No. 150 Kingsway, Petts Wood, Orpington, a detached two storey dwelling located on the northern side of Kingsway at the junction with Towncourt Crescent. the building is positioned almost in the centre of the plot; although closer to the northern boundary with No. 16 Towncourt Crescent, and it is set back from the frontage of Towncourt Crescent. It has an elongated/linear form with a wider frontage and a shallower depth. As mentioned below there is an extensive history and the dwelling has been extended a number of times. The land is predominantly level with boundaries marked manly by trees, hedged and vegetation. The dwelling is not listed and does not lie within a Conservation Area; however, it lies with Petts Wood Area of Special Residential Character.



Fig. Site location plan



Photo 1. No. 150 Kingsway looking north.



Photo 2. Within No. 150 Kingsway looking north towards No. 116 Towncourt Crescent.



Photo 3. Relationship between No. 150 Kingsway (right of picture) and No. 16 Towncourt Crescent (left of picture).

3. PROPOSAL

- 3.1 Planning permission is sought for demolition of existing conservatory and replacement with a two-storey front/side extension and single storey side/rear extension and elevational alterations. Since the initial submission an updated drawing has been submitted to clarify the gable ended roof design at the western end of the main two storey extension.
- 3.2 In support of the application and in response to representations received the Applicant states:
- That existing internal layout is not relevant to this assessment although can be provided if necessary,
 - The line of the existing utility room (eastern end) is not relevant to the assessment of the currently proposed two storey extension (western end),
 - The single storey element (within 1m of the boundary with No. 16 Towncourt Crescent) can be omitted if necessary,
 - However, the upper floor element is set away from the boundary with No. 16 by over 1m,
 - Any future subdivision is not relevant would be assessed separately if required (this was acknowledged in appeal decision),
 - The upper floor would not project close to No. 16 than the existing upper floor and the roof would be hipped, it would not affect light to the nearest part of No. 16 (the garage) or the upper floor south flank window serving the staircase,
 - A permitted development extension at No. 16 (10/02500/PLUD) overshadows No. 150 Kingsway,
 - Removal of boundary vegetation and effect on neighbouring land/buildings is not relevant to the proposal and would be managed by Building Regulations,
 - An extension at No. 16 Towncourt Crescent encroaches over the boundary with No. 150 Kingsway; diverting it from its original line,



Fig 2. Proposed floor plans.



Fig 3. Proposed elevations.

4. RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 03/04614/PLUD – Two storey side extension including modified rear elevation involving removal of single storey rear element and replacement with ground floor wall, windows and door no closer than two metres to the indicated boundary was granted a Lawful Development Certificate on 18 March 2004.
- 4.3 04/01663/FULL6 – Retention of part one/part two storey side extension was approved on 15 July 2004.
- 4.4 04/02255/PLUD – Single storey rear (infill) extension was granted a Lawful Development Certificate on 15 July 2004.

4.5 05/01676/FULL6 – Part one/two storey front extension and alterations to roof at front to provide first floor addition and gable feature was refused on 10 August 2005 for the following reason:

1. The proposal by reason of its excessive size and height would cause overshadowing and loss of light to and prospect from No. 16 Towncourt Crescent, causing harm to the residential amenities which the occupants of that dwelling might reasonably expect to be able to continue to enjoy, thereby contrary to Policies H.3 and E.1 of the adopted Unitary Development Plan and Policies H8 and BE1 of the second deposit draft Unitary Development Plan (September 2002).

In the corresponding appeal the Inspector noted that the existing dwelling No. 150 is close to the boundary with No. 16 Towncourt Crescent and it overshadows and visually dominates its rear elevation and the area of the garden close to it. However, the Inspector considered that the proposed additions; to the south eastern side of No. 150 and with hipped roofs, would be obscured by existing parts of No. 150 and where it would be visible from parts of No. 16's garden it would not appear so bulky as to intrude unduly into such views. In relation to overshadowing, the Inspector noted the difference between "light from the sky" and "sun lighting" and considered the effects would be relatively minor and only occasional at certain times of day and certain times of year and would not be not much worse than the existing building [No. 150]. Overall, there was no materially adverse effect on No. 16, a neutral impact on the ARSC the appeal was allowed, and it has been constructed.

4.6 08/03406/PLUD – Single storey side extension was granted a Lawful Development Certificate on 20 March 2009.

5. CONSULTATION SUMMARY

A) Statutory

n/a

B) Local Groups

n/a

C) Adjoining Occupiers

5.1 General

- Floor plan layout is inconsistent with previous drawings (applications 04/01663/FULL6 and 05/01676/FULL6),
- Could allow subdivision into two separate dwellings (mentioned in appeal decision APP/G5180/A/05/1192428) and this should be prevented,
- No detail of removal of boundary vegetation which could affect the structure of the neighbouring property (garage at No. 16 Towncourt Crescent),

5.2 Design

- Too close to boundary with No. 16 Towncourt Crescent; would not provide required 1m minimum side space; with a cramped appearance out of keeping with the street scene and overdevelopment of the plot,
- Would project forward of the building line of Towncourt Crescent and introduce a gable end; inconsistent, out of keeping and enclosing the open feel of the Towncourt Crescent street scene and ASRC,

5.3 Neighbouring amenities

- Overbearing and would harm the outlook and cause overshadowing to properties including Nos. 7 and 16 Towncourt Crescent (as observed in appeal decisions),

6. POLICIES AND GUIDANCE

6.1 National Policy Framework 2019

6.2 NPPG

6.3 The London Plan 2021 D4 Delivering Good Design

6.4 Bromley Local Plan 2019 6 Residential Extensions 8 Side Space 30 Parking 37 General Design of Development 73 Development and Trees

6.5 Bromley Supplementary Guidance SPG1 – General Design Principles SPG2 – Residential Design Guidance

7. ASSESSMENT

7.1 Procedural matters

7.1.1 Notwithstanding representations received, the current application shall be assessed on the basis of the submitted details and on its own merits and cannot take account of any speculative future proposals/suggestions such as subdivision of the property; and any such application would be assessed on its merits at that time. Matters relating to the structural condition of buildings including neighbouring properties are not a planning matter although they may relate to the Building Regulations and/or the Party Wall Act and the Applicant can be reminded of this by informative if planning permission is granted.

7.2 Design and landscaping – **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 BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.3 Policies 6, 37 and 73 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions, are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development including trees and landscaping that contribute towards the character and appearance of the area.
- 7.2.4 As mentioned, the current proposal would retain the overall form and proportions of the existing building; effectively elongating or extruding its current form and shape towards Towncourt Crescent, bringing the western side elevation parallel with the Towncourt Crescent frontage. Although the building has been enlarged the cumulative effect with the current proposal would not be excessive and it would not lead to an overdevelopment of the plot in relation to the remaining land within it. As mentioned, the dwelling lies closest to the northern boundary and notwithstanding a modest single storey element measuring a minimum of 0.7m from the northern boundary (when scaled from the submitted block plan) the two-storey element, i.e. the main body of the extension, would continue the line of the existing two storey rear/north elevation and would not project closer to the northern boundary with No. 16, providing a minimum separation of 1.2m to the boundary. Although the extension would project closer to Towncourt Crescent it would not encroach upon or significantly diminish the sense of space between No. 150 and No. 16 and would not result in a cramped appearance or a terracing effect between the dwellings that might otherwise have a harmful effect on the character and appearance and spatial standards of the street scene in this part of the local area and the ASRC. The proposed design would complement the mock Tudor style and design of the existing property and the external materials could be managed by planning condition if planning permission is granted. The proposal would not lead to the direct loss of trees or other vegetation that is significantly important to the site or its setting within this part of the street and wider area.

7.3 Neighbouring amenity – Acceptable

- 7.3.1 Policy 37 of the BLP 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 As mentioned in the 05/01676/FULL6 appeal decision, previous appeal Inspectors observed that the relationship between No. 150 and No. 16 will have had an impact on the outlook and sunlight/daylight to No. 16. However, in assessing the 05/01676/FULL6 appeal (to the south-eastern corner of the building) the Inspector noted that that proposed extension would effectively be screened from No. 16 by

other existing parts of No. 150 and “would not be obvious either from the rear elevation of 16 Towncourt Crescent or from the first 14m or so of its rear garden” and although it would be apparent from other parts of No.16’s garden it would not appear so bulky as to intrude unduly into views from those locations. Similarly, the Inspector did not consider that the additional effect of overshadowing caused by the proposed extension at various times of the year would be much worse than that of the existing building.

7.3.3 The existing dwelling lies close to the northern boundary with the nearest neighbouring dwelling No. 16 Towncourt Crescent however it currently lies alongside the south side flank elevation of No. 16 and extends rearwards parallel with the rear garden of No. 16 and No. 150 is visible at an oblique angle from the rear elevation of No. 16. However, the currently proposed extension would be positioned wholly alongside the southern elevation of No. 16 and would not project forward of it. It would be visible from the upper window in the south side flank of No. 16, which appears to serve the non-habitable stairwell, and as concluded in the 05/01676/FULL6 appeal decision it would otherwise be obscured from view from the other windows at No. 16 by existing parts of No. 150 and No. 16. On this basis, and taking into account that No. 150 lies due south of No. 16 and the consequent path of the sun at various times of the year, the proposal extension would not have a significantly harmful additional impact on the outlook or the natural daylight/sunlight to No. 16 than that of the existing building.

7.3.4 The main outlook from the proposed extension would continue to be to the south and west of No. 150 where any additional overlooking would be no more harmful than that which already exists. Ground floor north facing windows would look towards the garage of No. 16 where they would not have a harmful effect on privacy and the upper floor north facing windows would serve a non-habitable circulation space where they could be obscure glazed and with restricted opening as shown in the submitted drawings in order to preserve neighbouring privacy amenities without an unsatisfactory living environment for the occupants of the development.

7.4 Highways – Acceptable

7.4.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

- 7.4.3 London Plan and BLP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and BLP should be used as a basis for assessment.
- 7.4.4 The proposal would result in a 5-bedroom dwelling; requiring at least 2 parking spaces in accordance with the Council's Parking Standard (for a property of 4-bedrooms or more). The proposal would not have an impact on the parking arrangements at the property which would appear to remain capable of accommodating at least 2 vehicles in accordance with the Parking Standard.

8. CONCLUSION

- 8.1 Having had regard to the above it is considered that the development in the manner proposed would not impact detrimentally on the character of the area including the Petts Wood ASRC, it would not have a significantly harmful impact on the amenities of neighbouring residents and would not have harmful highway impacts.
- 8.2 For these reasons it is recommended that the appeal is not contested. It is also recommended that conditions as outlined below be put to the Inspector for consideration in determining the appeal.

RECOMMENDATION: RESOLVE NOT TO CONTEST APPEAL

In the event that the Inspector is minded to allow the appeal, the following conditions and informatives are recommended:

Standard 3 Year Time Limit
Standard Compliance with the Approved Plans
Matching Materials
Provide minimum Side Space shown in the Approved Plans
Obscure Glazing/Restricted opening Windows
Restrict Subdivision into more than One Dwelling
Remove PD Rights of Dwelling and Curtilage

Informatives


Party Wall Act
Side Space


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Ordnance Survey 100017661.

23 February 2021


 20/04607/FULL6-150 Kingsway
 Petts Wood
 Orpington
 BR5 1PU





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Agenda Item 4.3

Committee Date	08.04.2021	
Address	Foxhollow Merlewood Drive Chislehurst BR7 5LQ	
Application Number	20/04614/FULL1	Officer - Gill Lambert
Ward	Bickley	
Proposal	Demolition of outbuildings and erection of detached two storey 5 bedroom dwelling on land to the rear of Foxhollow with associated car parking and amenity space	
Applicant	Agent	
Mr R Stone	Mr Joe Alderman	
c/o Agent Orpington BR6 0NN	303 Downe House High Street Orpington BR6 0NN	
Reason for referral to committee	Significant objections	Councillor call in No

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

<p>KEY DESIGNATIONS</p> <p>Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 10</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)

Existing	Outbuildings	52
Proposed	Residential	496

Residential Use – See Affordable housing section for full breakdown including habitable rooms

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market				1	1
Affordable (shared ownership)					
Affordable (social rent)					
Total				1	1

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	0	2	+2

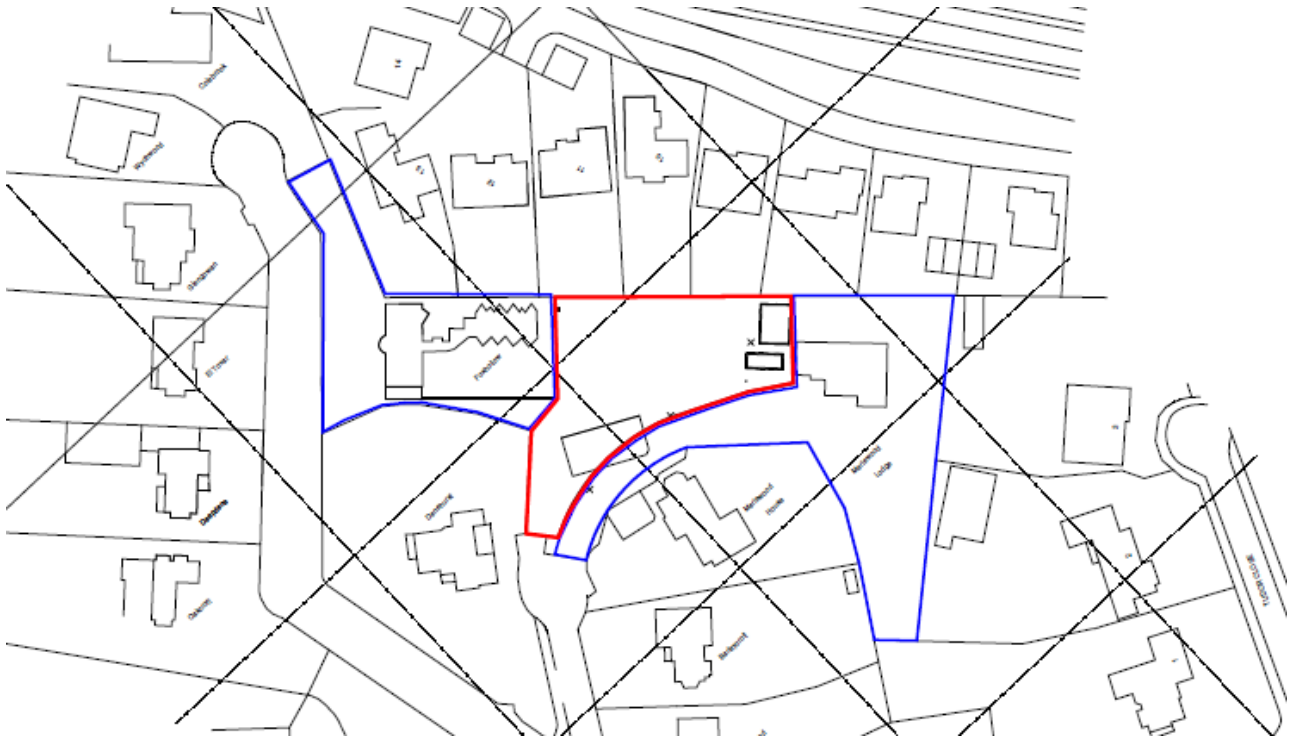
Representation summary	Neighbour letters were sent 11/12/2020	
Total number of responses	8	
Number in support	3	
Number of objections	5	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The development would not result in a harmful impact on the character and appearance of the Area of Special Residential Character
- The development would not adversely affect the amenities of neighbouring residential properties
- The proposals would not constitute an overdevelopment of the site
- The development would provide a satisfactory standard of residential accommodation
- The proposals would not have adverse impacts on parking or highway safety
- The proposals would not have adverse impacts on important trees on or adjacent to the site

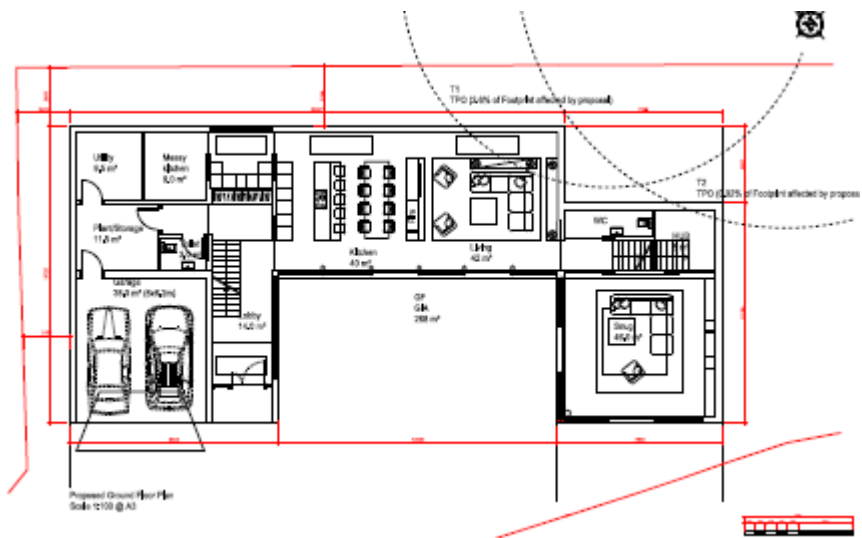
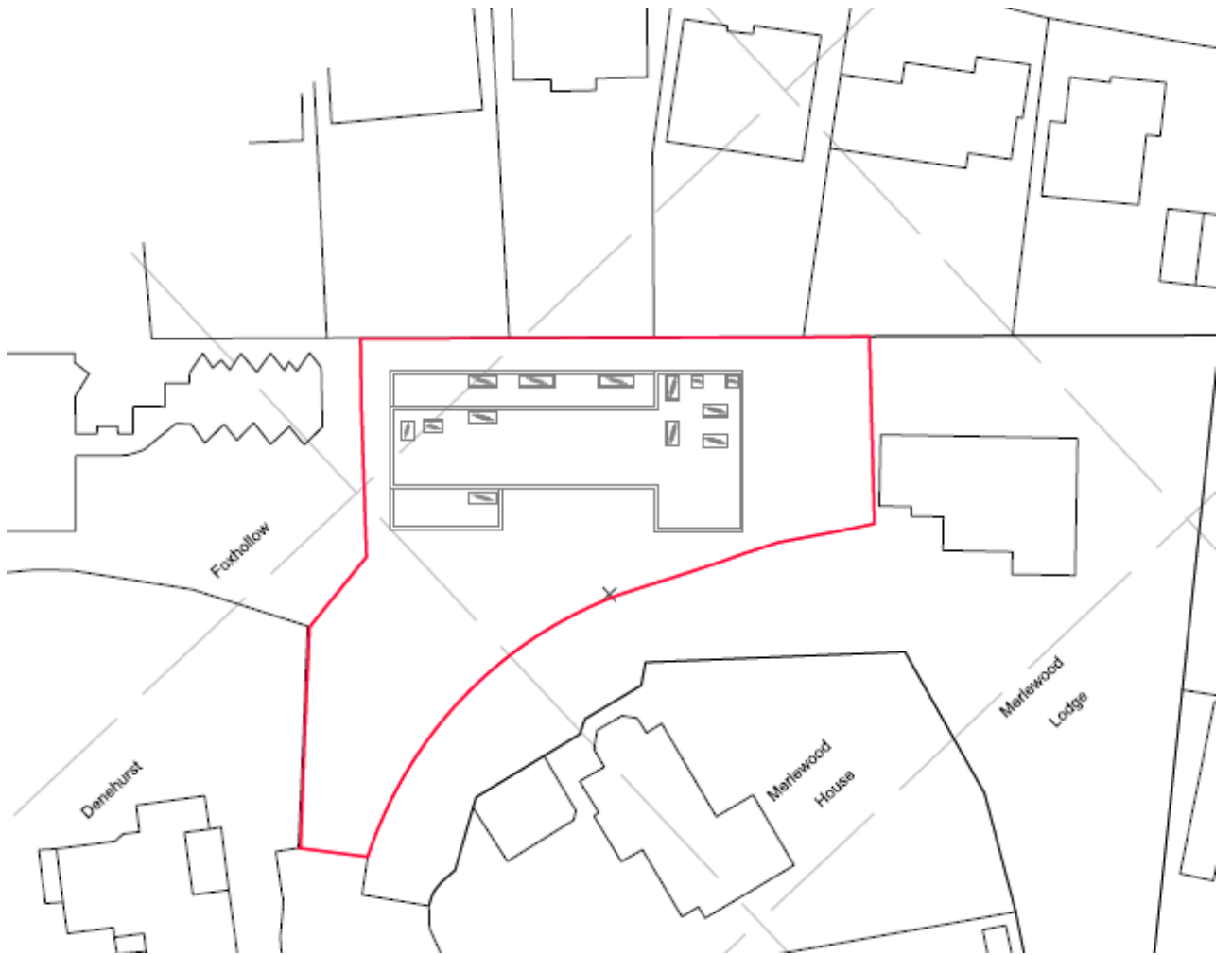
2 LOCATION

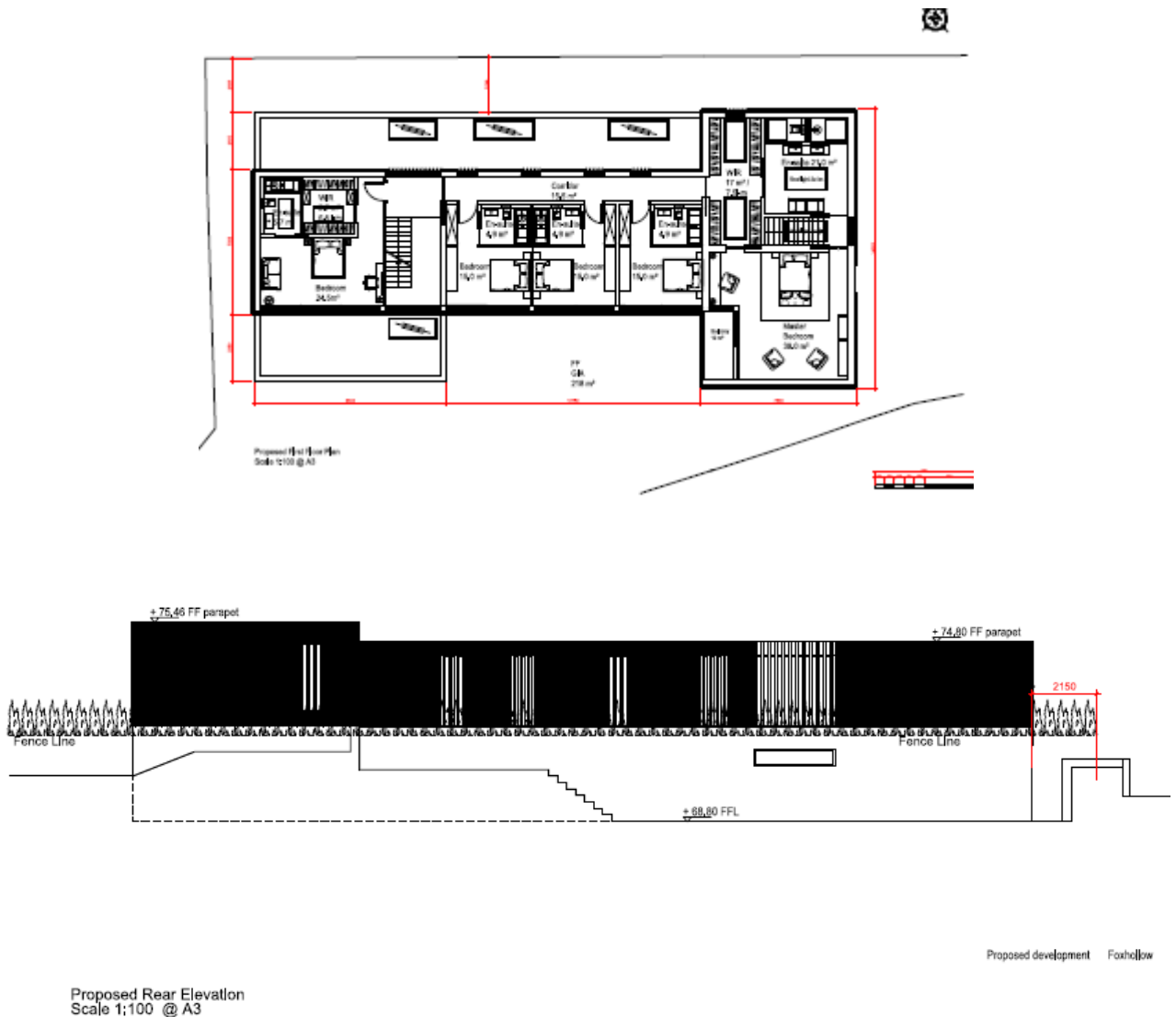
- 2.1 This site comprises part of the rear garden of Foxhollow and contains two outbuildings at the far end, along with a garage building which is currently within the curtilage of Merlewood Lodge to the east. The application states that both properties are in the ownership of the applicant.
- 2.2 The site measures 0.11ha, and has a separate access from Merlewood Drive adjacent to Denehurst and Merlewood Lodge. It lies within Bickley Area of Special Residential Character and is surrounded by detached dwellings set within generous sized plots in Merlewood Drive to the south and west. The north-eastern rear boundary of the site backs onto two storey properties in Oakhurst Close which are set at a considerably lower level and whose gardens rise up sharply towards the rear boundary of the site.
- 2.3 Although the site itself does not contain any protected trees, there are two TPO trees just over the boundary in the rear garden of No.9 Oakhurst Close.



3 PROPOSAL

- 3.1 It is proposed to demolish two existing outbuildings on this site which lies to the rear of Foxhollow and construct a detached two storey 5 bedroom dwelling with an integral double garage and associated car parking.
- 3.2 The proposed dwelling would be 30.1m in width and 10.2m in depth with two forward projecting wings, one single storey containing a double garage and lobby, and the other two storey containing a living room with a bedroom above. It would be of a modern contemporary design with a flat roof and large areas of glazing at the front, and would be set approximately 2.2m below the existing ground level of the site. The south-eastern corner of the dwelling would be set in at ground floor level with the first floor accommodation provided over using a cantilevered design.
- 3.3 The dwelling would be set back 2m from the north-western flank boundary with Foxhollow, and 2.7m from the north-eastern rear boundary with properties in Oakhurst Close, and it would be 9.9m from the south-eastern flank boundary with Merlewood Lodge.
- 3.4 The application was supported by the following documents:
 - Planning Statement
 - Design Statement
 - Structural Assessment
 - Arboricultural Assessment
 - Daylight and Sunlight Assessment





4 RELEVANT PLANNING HISTORY

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

4.2 A number of extensions to the dwelling at Foxhollow were granted permission in 2018 under refs. 18/03533, 18/03758, 18/04240 and 18/05048, which have now been carried out.

4.3 Permission was refused in April 2020 (ref. 19/05257/FULL1) for the demolition of the outbuildings and the erection of a detached two storey 5 bedroom dwelling on land to the rear of Foxhollow with associated car parking and amenity space on the following grounds:

“The proposed development would, by reason of its size, height and close proximity to neighbouring properties in Oakhurst Close, have a detrimental impact on the amenities of the neighbouring properties through loss of light, outlook and privacy, thereby contrary to Policy 37 of the Bromley Local Plan.”

4.4 The subsequent appeal was dismissed in January 2021 on grounds relating to significant harm to the living conditions of Nos.9, 10 and 11 Oakhurst Close located to the rear. The proposals were considered to result in loss of outlook from their rear windows and gardens, perceived overlooking from rear louvred windows, and, to a lesser degree, loss of light during the winter months.

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Highways – No objection

- Merlewood Drive is recorded as a private road. The highway aspects of the proposals are similar to the previous scheme. The proposed property has a good sized double garage and other parking on the frontage. No highways objections are therefore raised to the proposals.

Trees – No objection

- The construction in close proximity to T1 and T2 mature TPO trees would be unfavourable to their well-being and longevity. The Arboricultural Impact Assessment appears to have underestimated the RPA incursion by not taking into account the percentage of the RPA that is already covered by hard surface/building. This impact is avoidable. A different design could have avoided the RPAs altogether, and not located the building even within 1 tree length of either T1 or T2. However, the impact has been significantly reduced through the cantilevered construction design. The tree protection measures and supervision proposed are important to ensure that the impact is minimised.
- There may be an increase in pressure to prune/remove T1 and T2 due to the proximity of the new building. The applicants should be made aware that reasons relating to the proximity of the new building given within any future applications for works to T1 and/or T2 will not be given weight due to this being a reasonably foreseeable consequence.
- Overall, despite the impact being unfavourable, it is not sufficiently high to justify an objection on tree grounds.

Drainage – No objection

- There is no public surface water sewer near the site. Standard surface water drainage conditions are suggested.

B) Adjoining Occupiers

Light, privacy and outlook (addressed in paras.7.7.2 to 7.7.10)

- Detrimental impact on outlook from properties in Oakhurst Close
- Loss of light to gardens and rear windows of properties in Oakhurst Close
- The Lleylandi trees are a recent addition to the fenceline by the applicant in an attempt to raise the horizon and reduce the seeming impact on neighbouring properties in Oakhurst Close

- The revised scheme would still result in loss of light and outlook
- Overlooking or perceived overlooking from rear windows
- Loss of open view
- Loss of privacy to Denehurst.

Trees (addressed in para.5A – Trees and 7.8.1)

- Proposals would risk the TPO trees and the stability of the bank.

General (addressed in paras.7.7.11 and 7.7.12)

- Drawings do not accurately show the gradient of the slope down to the properties in Oakhurst Close
- The scale of the building and the fence are misrepresented in the drawings
- Noise and disturbance during construction works
- Access road would result in noise disturbance to adjacent properties
- Query the safety of the road construction and retaining wall.

Support:

- Sympathetic design of the house and materials used
- Two additional on-street parking spaces would be provided in Merlewood Drive
- Dwelling would not be visible from Merlewood Drive
- The plot of land has always had its own access and is an obvious development site for a family dwelling.

Local groups - Merlewood Drive Residents' Association (in support)):

- It ensures that only a single dwelling is built as opposed to a block of flats, in line with the other properties on the Merlewood Drive
- The development will be completed alongside plans to renovate Merlewood Lodge, thus minimising disruption
- As part of the development some of the land owned by Foxhollow/Merlewood Lodge will be offered to create additional communal parking
- Following the development, any repairs to communal areas would be put right to ensure Merlewood Drive remains a pleasant and appealing place to live.

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 2021). 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 **National Planning Policy Framework 2019**

6.7 **The London Plan**

- 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
- D14 Noise
- H1 Increasing Housing Supply
- H2 Small sites
- H10 Housing Size Mix
- S4 Play and informal recreation
- G5 Urban greening
- G6 Biodiversity and access to nature
- G7 Trees and woodlands
- SI1 Improving air quality
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- 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

6.8 **Bromley Local Plan 2019**

- 4 Housing Design

8	Side Space
30	Parking
32	Road Safety
37	General Design of Development
44	Areas of Special Residential Character
73	Development and Trees

6.9 Bromley Supplementary Guidance

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

7 ASSESSMENT

7.1 Resubmission - Acceptable

7.1.1 The revised scheme has been amended in the following main ways:

- The dwelling has been moved 0.7m further away from the north-eastern rear boundary with Nos.9, 10 and 11 Oakhurst Close, giving a 2.7m separation distance to this boundary rather than the previously proposed 2m separation
- The majority of the dwelling would be set 0.7m lower into the ground than the previous proposal (with the exception of the master suite) such that the two storey element would be 1.8m above the existing flat roof of Foxhollow adjacent rather than 2.5m previously proposed
- Part of the first floor (with the exception of the master suite) would be stepped back from the rear by 2.8m such that it would maintain a 5.5m separation from the north-eastern rear boundary.

7.2 Principle - Acceptable

7.2.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.

7.2.2 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.

7.2.3 According to paragraph 11(d) 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'. 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.

7.2.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.

7.2.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

7.2.6 This application includes the provision of one dwelling, 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.

7.2.7 With regard to the current proposals, this site is located in a residential area where the Council may consider infill developments provided that they are designed to complement the character and spatial standards of the surrounding area, the design and layout of the dwelling provide suitable residential accommodation, and the proposals provide adequate amenity space and parking for the occupants.

7.3 Density – Acceptable

7.3.1 With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 9 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

7.4 Design, layout and scale – Acceptable

- 7.4.1 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.
- 7.4.2 Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.4.3 Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.4.4 London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.4.5 Policies 4 and 37 of the Bromley Local Plan (BLP) and the Council's Supplementary design guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.4.6 Policy 44 of the BLP states that development proposed in areas designated as Areas of Special Residential Character (ASRCs) on the policies map will be required to respect, enhance and strengthen their special and distinctive qualities. In this regard, the Bickley ASRC is largely characterised by spacious inter-war residential development, with large houses in substantial plots adjacent to the Conservation Areas of Chislehurst and Bickley.
- 7.4.7 The proposed dwelling would be largely hidden from public view at the end of a private access drive and would be situated between the dwellings at Foxhollow and Merlewood Lodge. It would be of a contemporary flat roofed design, and would be seen in the context of a modern flat roofed rear extension to Foxhollow located approximately 6m away, and a two storey pitched roof dwelling at Merlewood Lodge located 11m away. Although the dwelling would extend across much of the width of the site, it would be broken up by the two forward projecting wings to each side, and

its appearance is not considered to have a detrimental impact on the character and spatial standards of the Bickley Area of Special Residential Character.

7.5 Standard of residential accommodation – Acceptable

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

7.5.2 Policy 4 of the BLP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

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

7.5.4 The proposals comprise a five bedroom 10 person two storey dwelling for which The London Plan suggests that the minimum size should be 128sq.m. in floor area. The proposed dwelling would have a floorspace of 496sq.m. which would achieve this standard.

7.5.5 Amenity space would be provided in the form of front and side garden areas. Although no rear garden area would be provided, the front and side gardens would be sufficiently private due to the siting of the plot away from public view. The amenity area is therefore considered to adequately serve a dwelling of this size.

7.6 Highways – Acceptable

7.6.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on

transport grounds where the residual cumulative impacts of development are severe.

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

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

7.6.4 No highways objections are raised to the proposals.

7.7 Neighbouring amenity - Acceptable

7.7.1 Policy 37 of the BLP 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.

7.7.2 In dismissing the previous appeal, the Inspector considered that the proposed height and proximity of the proposed house to the existing houses at Nos. 9, 10 and 11 Oakhurst Close would materially exacerbate the existing domineering and overbearing effect that their steep gardens already have on outlook which would result in the proposed house being experienced as an oppressive presence, especially from the rear rooms and gardens of these properties, thereby causing unacceptable loss of outlook. He considered that the existing impact of the small steep rear gardens on outlook does not in itself justify making matters worse.

7.7.3 The current scheme has reduced the overall height of the dwelling by setting it 0.7m further down into the ground (with the exception of the master suite), whilst the ground floor has been set back a further 0.7m from the rear boundary with the Oakhurst Close properties, and the main part of the first floor has been set back a further 3.5m from this boundary. Although the dwelling would still be visible from the rear windows and gardens of properties in Oakhurst Close, it would be to a much lesser degree due in particular to the significant setback of the majority of the first floor element. On balance, the revised scheme is now considered to overcome the Inspector's concerns with regard to loss of outlook.

7.7.4 With regard to loss of sunlight and daylight, the Inspector considered that the previous scheme would result in some loss of sunlight and daylight to some rooms of properties in Oakhurst Close, and that although the predicted loss of light would not be decisive on its own, it would add to the proposal being experienced as an oppressive presence by the occupiers of Nos.9, 10 and 11 Oakhurst Close, especially during the winter months.

7.7.5 A Daylight and Sunlight Assessment has been submitted by the applicant for the revised scheme and concludes that the proposals would comply with BRE

guidance, and would not result in any notable reduction in the amount of daylight or sunlight enjoyed by neighbouring dwellings.

- 7.7.6 The reduced height of the majority of the dwelling (by 0.7m) and the increased separation between the proposed dwelling and its rear boundary with Oakhurst Close properties (by 0.7m), and in particular the significant setback of part of the first floor from this boundary (by 5.5m) would significantly reduce the impact of the proposals on the amount of sunlight and daylight that would reach the rear windows and gardens of Nos.9, 10 and 11 Oakhurst Close. On balance, the revised scheme is now considered to overcome the Inspector's concerns with regard to loss of daylight and sunlight.
- 7.7.7 With regard to the impact of the previous scheme on privacy, the Inspector considered that although the windows in the rear wall of the proposed house facing towards Oakhurst Close were extremely narrow and served only circulation spaces and a dressing room, they did appear to provide opportunities for overlooking of the properties at Nos.9, 10 and 11, despite the proposal incorporating louvres. Although a condition could be imposed which required the windows to be obscure glazed, the Inspector did not consider that this would remove the feeling of being overlooked and the loss of a sense of privacy from the rear rooms of the Oakhurst Close dwellings resulting from the location, height and proximity of the proposed rear windows, especially from the first floor bedrooms of these properties. He concluded that this perceived overlooking and loss of privacy would add to the proposal being experienced as oppressive by the occupiers of the neighbouring dwellings.
- 7.7.8 In the current scheme, all but one of the rear-facing windows would now be set back 5.5m from the rear boundary with the Oakhurst Close dwellings (as opposed to 2m in the refused scheme), and perceived overlooking of the neighbouring properties would therefore be considerably reduced. The rear window to the dressing room of the master suite would be closer to the rear boundary at 2.7m away, but this would be set back further than the refused scheme which had a separation of 2m, and the window can be conditioned to be obscure glazed and non-opening up to 1.7m in height from internal floor level in order to prevent overlooking. The revised scheme is now considered to overcome the Inspector's concerns with regard to perceived overlooking and loss of privacy.
- 7.7.9 With regard to the impact of the proposals on Foxhollow, the proposed dwelling would be located approximately 5.5-6m from the rear elevation of this property, and would be 1.8m higher (a reduction of 0.7m on the previous scheme). No windows are proposed in the facing flank elevation of the proposed dwelling, the nearest ones being approximately 24m away in the south-eastern wing of the dwelling, and (as with the previous scheme) no undue overlooking or loss of outlook from Foxhollow would therefore occur.
- 7.7.10 With regard to Merlewood Lodge, the proposed dwelling would be approximately 10m away from the south-eastern flank boundary with this property and its height would be lower than the ridge height of Merlewood Lodge. An obscure glazed window is proposed at first floor level in the facing flank elevation of the new

dwelling, and no undue overlooking or loss of outlook from Merlewood Lodge would therefore occur.

7.7.11 Residents have raised concerns about the accuracies of the submitted plans in terms of the scale of the building and the gradient of the slope down to properties in Oakhurst Close, however, the site and the neighbouring properties have been visited, and the impact as seen on the ground has been taken into account.

7.7.12 The occupiers of Denehurst have raised concerns about noise disturbance from the use of the access road to the new dwelling, but this is an existing vehicular access to the land, and its use to serve one dwelling would not cause significant harm to the amenities of adjoining residents.

7.8 Trees – Acceptable

7.8.1 The proposals would be unfavourable to the well-being and longevity of T1 and T2 mature TPO trees, but the impact it is not considered to be sufficiently high to justify refusal on tree grounds.

7.9 CIL

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

8 CONCLUSION

8.1 The revised scheme is considered to have overcome the Inspector's previous concerns, and would not now result in significant loss of outlook, sunlight or privacy from the dwellings to the rear in Oakhurst Close and their rear gardens.

8.2 Additionally, the provision of one new dwelling would make a minor contribution towards meeting the Council's housing targets, which also weighs in its favour.

8.3 Conditions are recommended to secure an acceptable form of development which protects the amenities of neighbouring properties and the area generally.

RECOMMENDATION: PERMISSION BE GRANTED

The following conditions are recommended:

Standard Conditions:

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

Pre-Commencement Conditions:

- 3. Surface water drainage**
- 4. Measures to Accommodate Construction Vehicles**

5. Tree Protection Measures

Above Ground Works conditions:

- 6. Soft and hard landscaping and boundary enclosures**
- 7. Material details/samples**

Prior to First Occupation conditions:

- 8. Obscure glazed/fixed shut windows**

Compliance conditions:

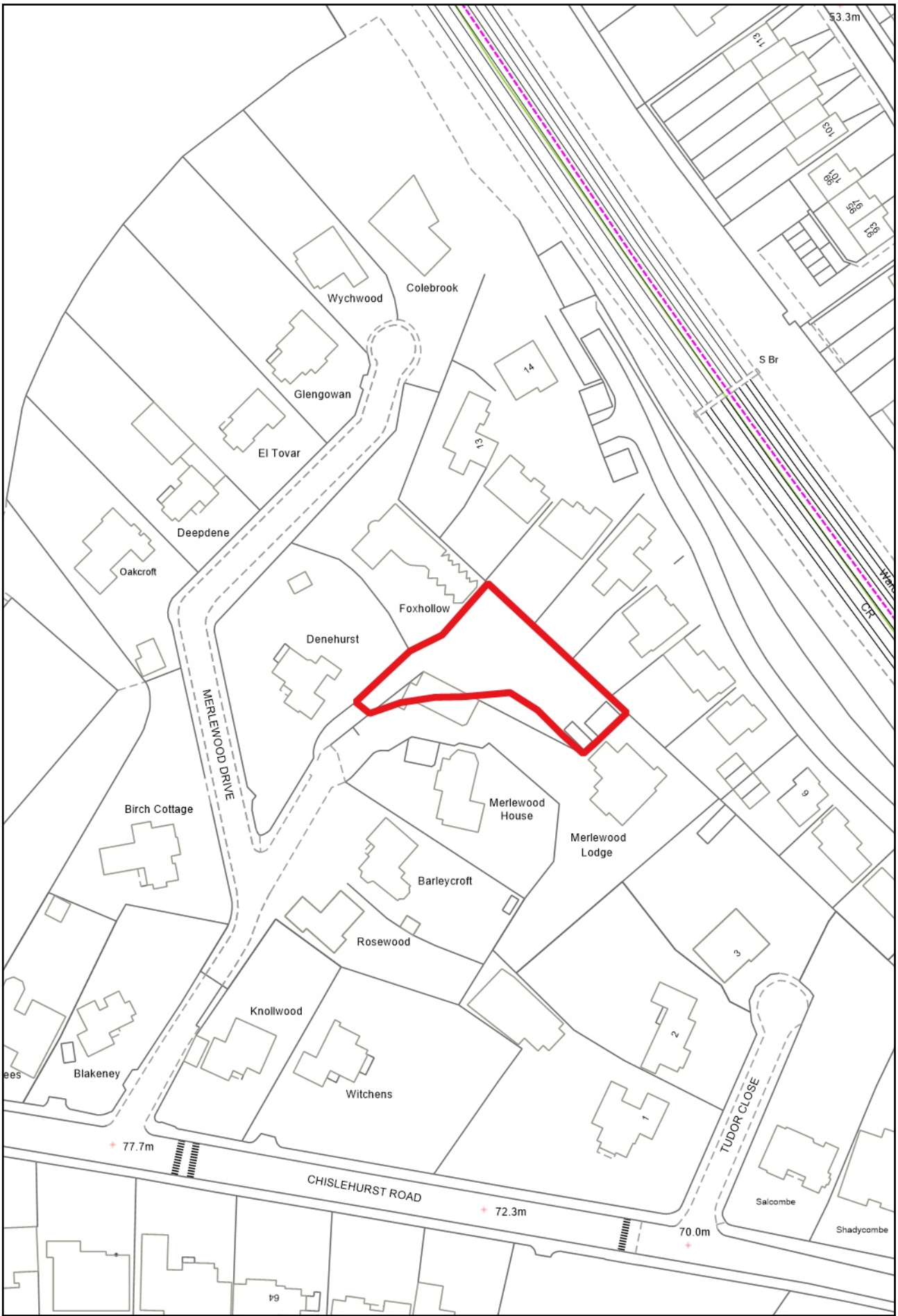
- 9. Wash down facilities**
- 10. Remove PD rights**
- 11. Demolish Existing Building**
- 12. Implement in Accordance with Slab Levels**

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

Informatives:

- 1 CIL**
- 2 Proximity of trees to new building will not be given weight in any future application for tree works**

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20/04614/FULL1-Foxhollow
 Merlewood Drive
 Chislehurst
 BR7 5LQ



23 March 2021

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Agenda Item 4.4

Committee Date	08.04.2021	
Address	Flat 3 20 Orchard Road Bromley BR1 2PS	
Application Number	20/04648/PLUD	Officer – Joanna Wu
Ward	Bickley	
Proposal	The proposed change of use of flat (use class C3) to HMO (use class C4) for 3 - 5 persons and minor internal works. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)	
Applicant	Agent	
Mr Richard Leahy	Mr Michael Farmer	
20 Orchard Road Bromley BR1 2PS	34 Drayton Avenue Orpington BR6 8JW	
Reason for referral to committee	Call-in	Councillor call in Yes

RECOMMENDATION	Proposed Use/Development is Lawful - Certificate granted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 4</p>
--

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	C3 - Dwellinghouse	Not specified
Proposed	C4 - Houses in multiple occupation	No increase in footprint

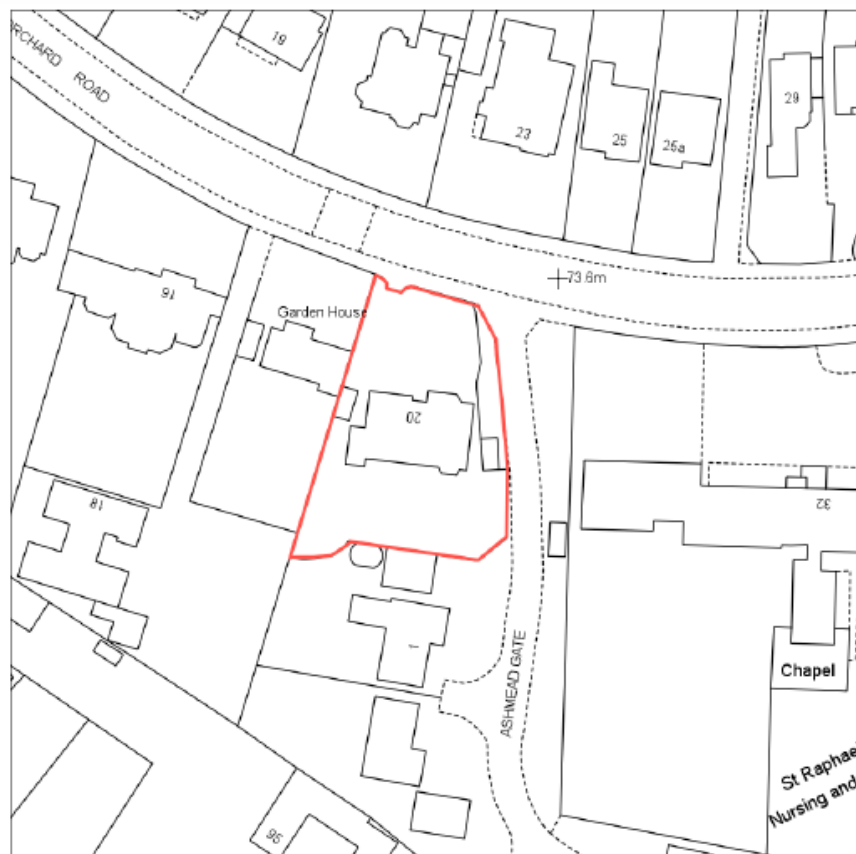
Representation summary	Neighbour letters issued – 26.01.2021	
Total number of responses	1	
Number in support	0	
Number of objections	1	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- 1.1 The application seeks a Lawful Development Certificate for a Proposed change of use for the 'Proposed change of use of the existing flat no. 3 (Use Class C3) to multiple occupation (Use Class C4) for between 3 and 5 unrelated tenants'.
- 1.2 It is recommended that the proposed development would comply with the requirements of Schedule 2, Part 3, Class L (*Small HMOs to dwellinghouses and vice versa*) of The Town and Country Planning (General Permitted Development) (England) Order 2015. Therefore, the Certificate should be granted.

2. LOCATION

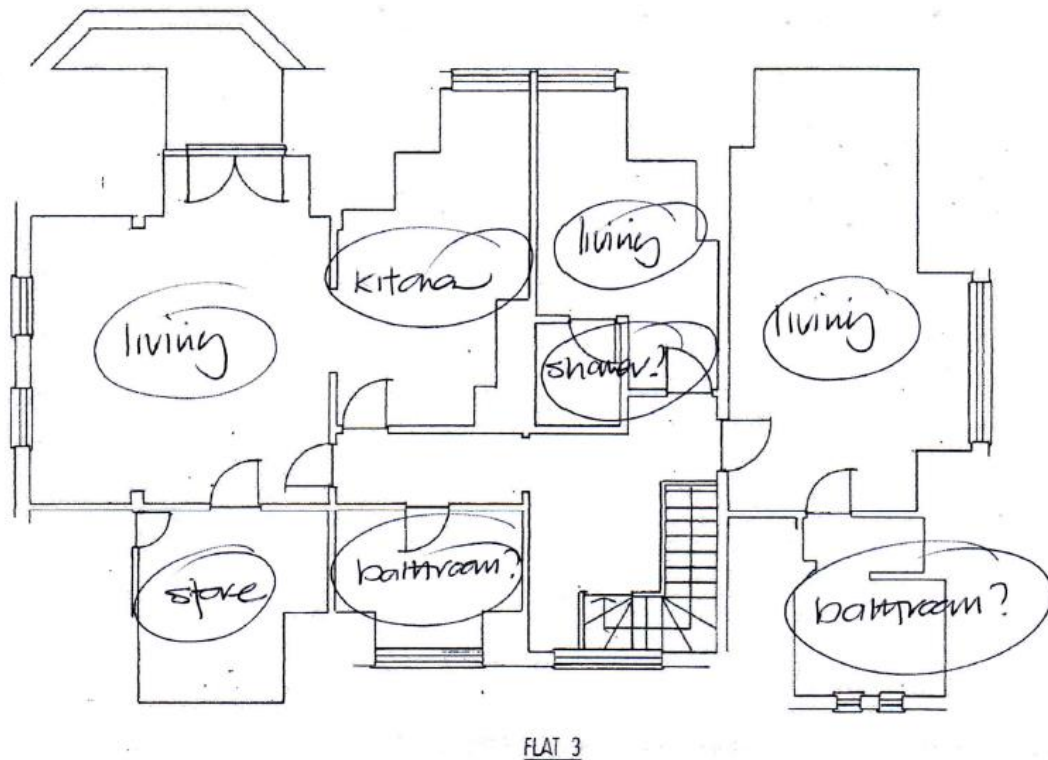
- 2.1 The application site (20 Orchard Road) hosts a large detached building located on the southern side of Orchard Road, Bromley on the corner with Ashmead Gate. The building comprises three flats with the application relating to Flat 3 which is located on the second floor.
- 2.2 Site location plan



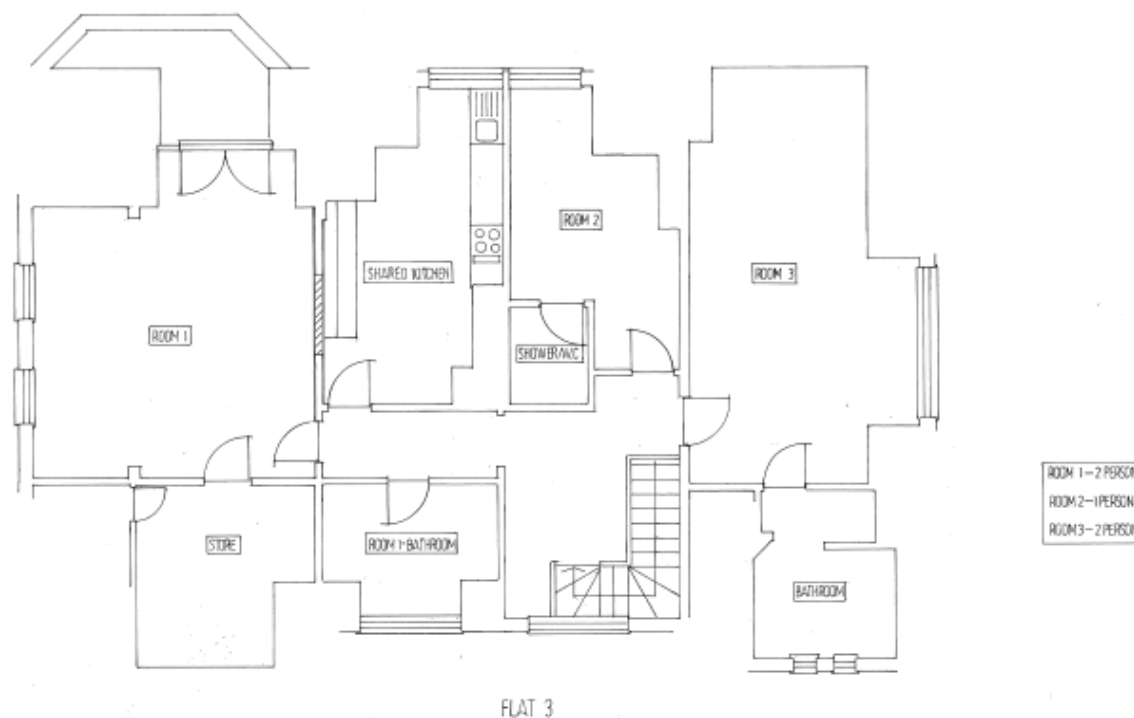
Orchard Road, Bromley

3. Proposal

- 3.1 The application seeks a Lawful Development Certificate for a Proposed use or development for the 'Proposed change of use of the existing flat no. 3 (Use Class C3) to multiple occupation (Use Class C4) for between 3 and 5 unrelated tenants'.
- 3.2 The application form states that it considers the proposed development would comply with the requirements of Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 3.3 It is noted that under Part 3 of Schedule 2 to this order, "dwellinghouse", does include a building containing one or more flats, or a flat contained within such a building.
- 3.4 The proposed floor layout indicates three bedrooms (two with en-suite bath/shower rooms and one with a separate bathroom), an additional store room and one communal kitchen.
- 3.5 Existing floorplan:



3.6 Proposed floorplan:



4. Comments from Local Residents and Groups

- 4.1 Nearby owners/occupiers were notified of the application and one representation was received as follows:
- There is an ongoing severe environmental problem already with the rubbish bins overflowing on a weekly basis (on the Ashmead Gate side). Having 3-5 people living in one flat would only exacerbate this. The driveway is often used as a 'dumping ground' and objects which waste disposal collections are not allowed to take are simply left there.
 - There is often very inconsiderate parking from residents at this property on the Ashmead Gate side. They obstruct access to Ashmead Gate quite regularly. Small truck-like vehicles with a 'Mortimer' logo are often overhanging the driveway and make it almost impossible to pass.
 - The proposal for 3-5 residents in one flat will only make the already tricky access to Ashmead Gate worse.

5 Consultation Summary

- 5.1 Members should be aware that due to the nature of this application, this application can only be considered and assessed under the Town and Country Planning (General Permitted Development) Order 2015. Statutory consultee comments therefore would not form part of the material considerations for this application. Nevertheless, as requested by the members regarding the traffic impact of the proposal, the highways officer's comments are summarised as follows:
- 5.2 Highways Officer: There appears to be a large parking area on the frontage and also a garage and parking spaces accessed from Ashmead Gate. Not including the garages, there appears to be around 9 or 10 spaces but they are not marked out and it may depend on how carefully vehicles are parked. There appears to be

enough spaces to cope with the proposal, although it is difficult to be definite as there is no information on how many vehicles currently use the site's parking spaces.

- 5.3 Also, our designing out crime officer chose to comment on this proposal. However, due to the nature of this proposal, no planning conditions can be inserted in the Decision Notice.
- 5.4 Designing Out Crime Officer: It is suggested that each bedroom is fitted with a tested and accredited door that is both security and fire rated. Not only would this help keep the occupant physically safe but also mean their belongings are less likely to be stolen in the event of a burglary.

6. Policies and Guidance

- 6.1 Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) allows for the change of use of a building –

(a) from a use falling within Class C4 (houses in multiple occupation) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule;

(b) from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.

- 6.2 Development is not permitted by Class L if it would result in the use—

- (a) as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or
- (b) two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.

7. Planning History

- 7.1 The relevant planning history relating to the application site (No. 20 Orchard Road) is summarised as follows:

7.2 Flat 2, 20 Orchard Road

19/03655/PLUD – Proposed change of use of the existing flat no.2 (Use Class C3) to multiple occupation (Use Class C4) for between 3 and 6 unrelated tenants
PROPOSED LAWFUL DEVELOPMENT CERTIFICATE – 19.12.2019 (Lawful development)

8. Conclusions

- 8.1 Class L (small HMOs to dwellinghouses and vice versa) permits the change of use of a building from a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order, to a use falling within Class C4 (houses in multiple occupation) of that Schedule.
- 8.2 Having regard to the interpretation of a "dwellinghouse" as provided within the Order, in Part 3 of Schedule 2 of the Order only, a flat would be classed as Class C3 (dwellinghouses) and as such, Class L allows a permitted change to Class C4 (houses in multiple occupation).
- 8.3 The Town and Country Planning (Use Classes) (Amendment) (England) Order 2010 states that Class C4 relates to the "Use of a dwellinghouse by not more than six residents as a "house in multiple occupation".
- 8.4 The description of development indicated on the application form by the application states;
- "Proposed change of use of the existing flat no. 3 (Use Class C3) to multiple occupation (Use Class C4) for between 3 and 5 unrelated tenants."
- 8.5 The proposed floor layout indicates three bedrooms (two with en-suite bath/shower rooms and one with a separate bathroom), an additional store room and one communal kitchen.
- 8.6 Taking all the above into account, the proposed change of use in this instance would be permitted development in accordance with Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) Order 2015 (as amended) and the certificate can be granted.
- 8.7 It is noted that a number of concerns have been raised by neighbouring occupiers with regards to the proposed change of use. However, the Council is required to determine the application in accordance with the relevant planning legislation.
- 8.8 It is therefore recommended that the certificate should be granted.

RECOMMENDATION: Proposed Use/Development is Lawful

The proposed change of use of the existing flat no.3 (Use Class C3) to multiple occupation (Use Class C4) for between 3 and 5 unrelated tenants would be permitted development in accordance with Schedule 2, Part 3, Class L of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).



Scotts Park Primary School

ORCHARD ROAD

Hotel

Garden House

ASHMEAD GATE

Cary Scutt Hall

The Cottage

White House

Glenwood

West House

20/04648/PLUD-Flat 3
 20 Orchard Road
 Bromley
 BR1 2PS



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25 March 2021

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Agenda Item 4.5

Committee Date	08.04.2021	
Address	94 Towncourt Lane Petts Wood Orpington BR5 1EJ	
Application Number	20/05062/FULL1	Officer - Russell Penn
Ward	Petts Wood And Knoll	
Proposal	Erection of a two storey detached dwelling and a pair of semi-detached houses.	
Applicant	Agent	
Mr William Salam	Bob McQuillan	
Downe House 303 High Street Orpington BR6 0NN	Downe House 303 High Street Orpington BR6 0NN	
Reason for referral to committee	Councillor call in	
Call-In	Yes	

RECOMMENDATION	Permission
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 8</p>

Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Residential (Use Class C3)	114.5

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			2	1	3
Affordable (shared ownership)			0	0	0
Affordable (social rent)			0	0	0
Total			2	1	3

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	2	6	4
Disabled car spaces	0	0	0
Cycle	2	6	4

Electric car charging points	To be secured by planning condition
-------------------------------------	-------------------------------------

Representation summary	<i>A neighbour consultations exercise was carried out on 22/01/21. A site notice was displayed at the site on 13/2/21.</i>	
Total number of responses	4	
Number in support	0	
General comment	1	
Number of objections	3	

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- Density and unit type of the proposed scheme is acceptable and the development would not be detrimental to the character and appearance of the area and locality.
- The development would not adversely affect the amenities of neighbouring residential properties.

- Standard of the accommodation that will be created will be good.
- The development would not have an adverse impact on the local road network or local parking conditions.
- The development would be constructed in a sustainable manner and would achieve good levels of energy efficiency.

2 LOCATION

2.1 The application site is located on the eastern side of Towncourt Lane and is bound by residential properties to the north and south. The railway line lies to the east rear of the site. The site encompasses the property boundaries to No96 and No94. The area is predominately residential in character with a mix of semi-detached and detached houses and bungalows.

2.2 The site falls within Flood Zone 1 and is not located within a Conservation Area.



3 PROPOSAL

3.1 Planning permission is sought for the erection of a two storey detached dwelling and a pair of semi-detached houses.



- 3.2 The site itself has been increased in width to the road frontage incorporating the triangular side and part front curtilage of No96 Towncourt Lane. No96 also gains a larger more regular shaped rear garden area as part of the scheme.
- 3.3 The application proposes a two storey detached house adjacent to 92 Towncourt Lane close to the swimming pool building within the curtilage of No92. The detached house is 7.45m wide and 11.7m deep at ground floor with a side space of 1.5m to the boundary with No92 with an increasing and tapering side space to the boundary with the proposed pair of semi-detached houses. A hipped roof is proposed with an eaves height of approximately 5.2m and a ridge height of approximately 8m. A garage projects 2.5m from the front elevation.
- 3.4 The application also proposes a staggered pair of semi-detached houses with a footprint stagger of 3m. Each semi detached house is 6m wide with a depth of 11.3m, roofs are hipped with an eaves height of approximately 5.2m and a ridge height of 8m.
- 3.5 A shared car parking area is provided for all three houses accessed from an existing but extended vehicle crossover. An existing crossover will be utilised for No96 to take account of the amended property boundary of No96.
- 3.6 The proposed materials for all three houses are brick at ground floor, tile hanging at first floor and a tiled roof.



4 RELEVANT PLANNING HISTORY

4.1 There is extensive planning history to this site which can be summarised as follows:

4.2 Outline planning permission (ref 15/03998/OUT) was refused on 12/11/2015 for the demolition of existing dwelling and erection of detached three storey building with part basement accommodation comprising 9 two bedroom flats and associated parking for the following reasons:

- The proposal by reason of its bulk, mass, height, siting and lack of private amenity space represents an overdevelopment of the site which constitutes an unsatisfactory form of development, out of character with the area and seriously detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to continue to enjoy contrary to Policies BE1 and H7 of the Unitary Development Plan, and policy 3.5 of the London Plan (2015)
- The proposed basement flat by reason of its poor outlook and daylight/sunlight would be detrimental to the amenities enjoyed by future occupiers, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan and Policy 3.5 of the London Plan.
- Insufficient information has been provided to adequately assess the impact the proposed development would have on the existing trees, contrary to the provisions of Policy BE1, H8 and NE7 of the UDP
- Insufficient information has been provided in the form of swept path analysis and a road safety audit to demonstrate that cars and emergency vehicles can successfully manoeuvre in a forward direction to enter and exit the site and manoeuvre through the site without conflict. Further, insufficient information has been provided to assess the width of the access road, visitor parking bays and refuse storage. This is contrary to Policies BE1, H7, T3, T13 and T18 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan (2015).
- The application was dismissed on appeal.

4.3 Outline planning permission (ref 15/05293/OUT) was refused on 29/1/2016 for the demolition of existing dwelling and erection of 3 terraced townhouses (1x4 bed and 2x3 bed) and associated parking for the following reasons:

- The proposal by reason of its bulk, mass, height and siting represents an overdevelopment of the site which constitutes an unsatisfactory form of development, out of character with the area and detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, and policy 3.5 of the London Plan (2015)
- Insufficient information has been provided in the form of swept path analysis and a road safety audit to demonstrate that cars and emergency vehicles can successfully manoeuvre in a forward direction to enter and exit the site and manoeuvre through

the site without conflict. Further, insufficient information has been provided to assess the width of the access road, visitor parking bays and refuse storage. This is contrary to Policies BE1, H7, T3, T13 and T18 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan (2015)

4.4 Outline planning permission (ref 16/01688/OUT) was refused on 2/6/2016 for the demolition of existing dwelling and erection of detached three storey building with part basement accommodation comprising 2 x 2-bed & 6 x 3-bed dwellings and associated parking for the following reasons:

- The proposal by reason of its bulk, mass, height, siting and number of units, represents an overdevelopment of the site which constitutes an unsatisfactory form of development, out of character with the area and detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, and policy 3.5 of the London Plan.
- The proposed basement flats by reason of their poor outlook and levels of daylight/sunlight would provide an inadequate standard of accommodation, detrimental to the amenities enjoyed by future occupiers. This is contrary to Policies BE1 and H7 of the Unitary Development Plan and Policy 3.5 of the London Plan.
- Insufficient parking spaces have been provided for the development which would result in an over spillage of parking onto Towncourt lane, resulting in congestion and highway safety issues. This is contrary to policy T18 of the UDP
- The road safety audit does not adequately demonstrate that cars and emergency vehicles using the narrow access into the site can successfully enter and exit the site and manoeuvre in a forward direction through the site without conflict to the highway safety network. This is contrary to Policies BE1, H7, T3, T13 and T18 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan
- The application was dismissed on appeal.

4.5 Outline planning permission (ref 16/04754/OUT) was refused on 23/12/2016 for the Demolition of existing dwelling and erection of two x two storey buildings containing 7 x 2 bed flats and associated parking under referent

- The proposal by reason of its overall bulk, design and siting represents an overdevelopment of the site which constitutes an unsatisfactory form of development, out of character with the area and detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to continue to enjoy. This is contrary to Policies BE1 and H7 of the Unitary Development Plan and policy 3.5 of the London Plan (2016)
- The proposal due to its substandard floorspace of two of the flats would provide an unacceptably poor standard of living accommodation for its occupants contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2016) and Policies BE1 and H7 of the Unitary Development Plan.

- An appeal was not made.
- 4.6 Outline planning permission (ref 17/03617/FULL1) was refused on 24/10/2017 for the erection of 3 bungalows, comprising a four bedroom detached and a pair of 3 bedroom semi detached with associated access and parking on land adjacent to No.94 Towncourt Lane for the following reasons:
- The proposal by reason of its siting and excessive site coverage represents an overdevelopment of the site which constitutes an unsatisfactory form of development that does not have sufficient regard to the prevailing pattern of development in the locality, and the distinctiveness of the suburban residential area afforded by the consistent rhythm and uniformity of the style of housing surrounding the site. Furthermore it would also be detrimental to the amenities which the occupiers of neighbouring properties might reasonably expect to continue to enjoy. The proposal would therefore be contrary to Policy H7 and BE1 of the UDP and policy 3.5 of the London Plan (2015).
 - The proposed access does not adequately demonstrate that cars can enter and exit the site without conflict to the highway safety network. This is contrary to Policies BE1, H7, T3, T13 and T18 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan (2015).
 - The application was dismissed on appeal. The planning Inspector in summary concluded in part that "the number of dwellings proposed would be at odds with the area's established urban grain, in particular the spacious plots that characterise the area. The presence of dwellings to the rear of frontage dwellings would be detrimental to the generally undeveloped nature of rear gardens in the site's vicinity" and that "These adverse effects would be easily seen by passers-by following the demolition of the existing garage and the creation of the vehicular access into the site. The proposed development would result in material harm to the character and appearance of the area."
- 4.7 Outline planning permission (18/03734/OUT - All Matters Reserved) was refused on 08.11.2018 for demolition of existing detached garage to allow access to land adjacent to existing house and construction of a 4 bedroom detached chalet style bungalow with garage and gardens on land adjacent to 94 Towncourt Road for the following reason:
- The proposed development constitutes garden land development where there is an unacceptable impact upon the character, appearance and prevailing pattern of development in the locality and the distinctiveness of the suburban residential area by reason of scale, siting and proximity to neighbouring garden curtilage property boundaries to the surrounding development pattern and spatial layout of the area. If permitted this would establish an undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the standards to which the area is at present developed and have a serious and adverse effect on the visual amenity of the streetscene contrary to Policy H1, H7, H9 and BE1 of the Unitary Development Plan, Draft Policies 1, 3, 4, 8 and 37 of the Proposed Submission

Draft Local Plan and Policies 3.4, 7.4 and 7.6 of the London Plan and the NPPF (2018).

- An appeal was not made.

4.8 Full planning permission (20/01921/FULL1) was refused on 04.08.2020 for the demolition of existing house and garage at No94 Towncourt Lane and existing garage to No96 Towncourt Lane. Erection of a two storey four bedroom detached house and a pair of two storey three bedroom semi-detached houses.



Plan of most recent application

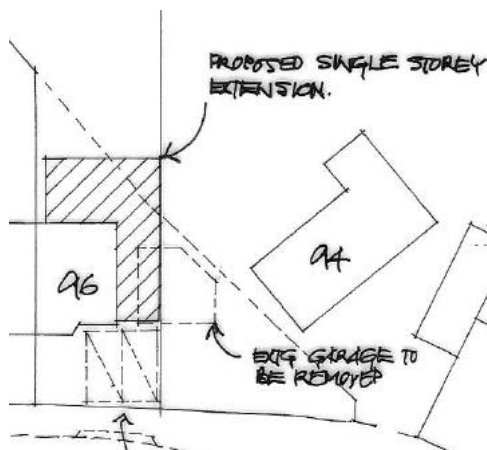
- In summary, the refusal reasons stated that the proposed development by reason of its prominent siting, narrow front curtilage plots, massing, staggered design, poor spatial relationship between the proposed dwellings in this prominent location, represented a cramped, visually obtrusive and inappropriate overdevelopment of the site. If permitted this would have established an undesirable pattern for similar poorly designed infilling in the area, resulting in a retrograde lowering of the design standards to which the area is at present developed and have a serious and adverse effect on the visual amenity of the streetscene.
- In addition the proposed semi-detached building by reason of its staggered arrangement and consequent overbearing nature, siting and proximity between resultant boundaries at plots 2 and 3 would have a serious and adverse effect on the residential amenity enjoyed by the future occupants of the dwellings at plots 2 and 3.
- Furthermore, the proposed development was not considered to provide an adequate layout of car parking on site and would have been liable to obstruct the public right of passage and prejudice the free flow of traffic and conditions of general safety along the adjacent highway.

- On balance the negative impacts of the development were considered of sufficient weight to withhold planning permission as currently proposed, notwithstanding the presumption in favour of sustainable development to increase housing supply.

4.9 Outline planning permission (20/04587/OUT with Some Matters Reserved) for demolition of existing house and garages at 94 Towncourt Lane and construction of 3 x detached house is pending consideration at the time of writing.

4.10 Other relevant planning history in respect of No96 Towncourt Lane:

20/01995/FULL6 Single storey side and rear extension. Approved 19.08.2020



Plan of single storey side and rear extension

5 CONSULTATION SUMMARY

A) Statutory

Environmental Health Officer – No objection

- No further comments have been received. However, comments received under planning application 20/01921/FULL1 remain relevant and are repeated below:
- No objections within the grounds of consideration. Seeing as the site is near a railway a condition should be applied to request an acoustic assessment be submitted to the Local Planning Authority for approval in writing prior to commencement of the development. A CMP condition and a condition requesting that any gas boilers must meet a dry NOx emission rate of <math><40\text{mg/kWh}</math> is also recommended.

Drainage Engineer – No objection

- Further details of sustainable surface water drainage strategies to be sought by planning condition.

Highways – No objection

- Two parking spaces per unit are acceptable. The parking layout looks very tight especially for Bay No 1 and 6. Required measurement of a parking bay is 2.4m x 5m with a clear manoeuvring space of 6m. A swept path analysis is required.
- No 96 which has an existing in and out drive and will lose the parking space ie garage and end up reversing on to the classified road. Plus the crossover for the proposed development will be intensified i.e. from one dwelling to 3 dwellings. Therefore, I would like to see a road safety audit for No 96 and No 94 so that I can make an informed decision.
- Road Safety Audits should be undertaken by an independent specialist trained in the skills of collision investigation and/or road safety engineering. The road safety auditor should also request for a member of LBB traffic team to be present on site at the time of audit.

Tree Officer – No objection

- No further comments have been received. However, comments received under planning application 20/01921/FULL1 remain relevant and are repeated below:
- The application site is free of statutory tree protection. The latest refused application at the site did not relate to tree grounds. A development of this design/layout could accommodate existing trees at the rear well. The trees are of no significance but would be worth retaining in the scheme to keep a good level of screening along the rear boundary. I would therefore expect trees to be shown for retention in any forthcoming landscape scheme.

RSPB – No objection

- If Bromley Council intends to grant permission for the above planning application, we would ask that the installation of three or more integral swift nest bricks be made a planning condition.

B) Local Groups

No comments received.

C) Adjoining Occupiers

Overlooking and loss of privacy (addressed in section 7.4)

- Set back of housing position and effect on privacy and sunlight.
- Development would not be in local residents' interests.

Character and appearance (addressed in section 7.2)

- Concerns as to the number of buildings proposed for the site.

Highways (addressed in section 7.6)

- Concerns with extra traffic generated on to Towncourt Lane.
- Concerns with proximity of parking and manoeuvring area and associated noise and disturbance and enjoyment of garden areas adjacent.

Other matters (addressed in section 7.8)

- Comment on value of property impact.
- Numerous applications already submitted.

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 2021) and the Bromley Local Plan (2019). The NPPF does not change the legal status of the development plan.

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

6.5 National Policy Framework 2019

6.6 London Plan 2021

- 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
- 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
S4	Play and informal recreation
G5	Urban greening
G6	Biodiversity and access to nature
G7	Trees and woodlands
SI1	Improving air quality
SI4	Managing heat risk
SI5	Water infrastructure
SI7	Reducing waste and supporting the circular economy
SI12	Flood risk management
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

6.7 Bromley Local Plan 2019

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

6.8 Bromley Supplementary Guidance

SPG1 - General Design Principles

SPG2 - Residential Design Guidance

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

7 ASSESSMENT

7.1 Principle of Development - Acceptable

Housing Supply:

- 7.1.1 The current position in respect of Bromley's Five Year Housing Land Supply (FYHLS) was agreed at Development Control Committee on 24th September 2020. The current position is that the FYHLS (covering the period 2020/21 to 2024/25) is 2,690 units, or 3.31 years supply. This is acknowledged as a significant undersupply and for the purposes of assessing relevant planning applications means that the presumption in favour of sustainable development will apply.
- 7.1.2 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.
- 7.1.3 According to paragraph 11(d) 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'. 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.
- 7.1.4 London Plan Policy H1 sets Bromley's housing target at 774 homes per annum. In order to deliver this target, boroughs are encouraged to optimise the potential for housing delivery on all suitable and available brownfield sites. This approach is consistent with Policy 1 of the Bromley Local Plan, particularly with regard to the types of locations where new housing delivery should be focused.
- 7.1.5 Policy H2 requires Boroughs to pro-actively support well-designed new homes on small sites (below 0.25 hectares in size). Policy D3 requires all development to make the best use of land by following a design led approach.

7.1.6 This application includes the provision of three residential dwellings (two additional) and would represent a minor contribution to the supply of housing within the Borough. This will be considered in the overall planning balance set out in the conclusion of this report, having regard to the presumption in favour of sustainable development.

Optimising Sites:

7.1.7 Policy H1 Increasing Housing Supply of the London Plan states that to ensure housing targets are achieved boroughs should optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. Policy 1 of the Local Plan and Policy H1 of the London Plan set the context in the use of sustainable brownfield sites for new housing delivery.

7.1.8 Policy H2 Small Sites of the London Plan states that Boroughs should pro-actively support well-designed new homes on small sites (below 0.25 hectares in size) through both planning decisions and plan-making in order to significantly increase the contribution of small sites to meeting London's housing needs.

7.1.9 The London Plan does not include a prescriptive density matrix and promotes a design-led approach in Policy D3 to optimise the capacity of sites. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity. Policies D2 and D4 are also relevant to any assessment of development proposals, including whether the necessary infrastructure is in place to accommodate development at the density proposed.

7.1.10 Local Plan Policies 4 and 37 accord with paragraph 127 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites.

7.1.11 In this case the site is located in a residential location in a residential area where the Council will consider a higher density residential infill provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of effectively two additional dwellings and one replacement dwelling on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

7.2 Design – 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.
- 7.2.2 Paragraph 124 of the NPPF (2019) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 7.2.3 Paragraph 127 of the NPPF (2019) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.2.4 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.2.5 Policy D3 of the London Plan relates to 'Optimising site capacity through the design-led approach' and states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites. Form and layout should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape. The quality and character shall respond to the existing character of a place by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character.
- 7.2.6 Policy D4 of the London Plan outlines the various methods of scrutiny that assessments of design should be based on depending on the level/amount of the development proposed for a site.
- 7.2.7 Policy D5 of the London Plan relates to 'Inclusive Design' and states that development proposal should achieve the highest standards of accessible and inclusive design.

- 7.2.8 Policy H2 of the London Plan states that Boroughs should also recognise in their Development Plans that local character evolves over time and will need to change in appropriate locations to accommodate additional housing on small sites.
- 7.2.9 The general aims of the Council's design policies state that housing development should be designed to the highest level both internally and externally. In addition, the Council seeks that developments should have regard for the wider context and environment and should seek to enhance the residential environment and attractiveness as a place to live.
- 7.2.10 Policy 4 of the Local Plan details that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places respecting local character, spatial standards, physical context and density. To summarise the Council will expect all of the following requirements to be demonstrated: The site layout, buildings and space around buildings be designed to a high quality, recognising as well as complimenting the qualities of the surrounding areas; compliance to minimum internal space standards for dwellings; provision of sufficient external, private amenity space; provision of play space, provision of parking integrated within the overall design of the development; density that has regard to the London Plan density matrix whilst respecting local character; layout giving priority to pedestrians and cyclists over vehicles; safety and security measures included in the design and layout of buildings; be accessible and adaptable dwellings.
- 7.2.11 Policy 8 of the Local Plan details that when considering applications for new residential development, including extensions, the Council will normally require for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the building or where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space.
- 7.2.12 Policy 37 of the Local Plan details that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout. To summarise developments will be expected to meet all of the following criteria where they are relevant; be imaginative and attractive to look at, of a good architectural quality and should complement the scale, proportion, form, layout and materials of adjacent buildings and areas; positively contribute to the existing street scene and/or landscape and respect important views, heritage assets, skylines, landmarks or landscape features; create attractive settings; allow for adequate daylight and sunlight to penetrate in and between buildings; respect the amenity of occupiers of neighbouring buildings and those of future occupants; be of a sustainable design and construction; accessible to all; secure; include; suitable waste and refuse facilities and respect non designated heritage assets.
- 7.2.13 The extensive planning history of the site is detailed above and the applicant in their statement has analysed the previous planning history of the site and identified the constraints comprehensively. The resultant conclusions have pointed towards a more traditional housing scheme for the site as opposed to flatted blocks or a denser form of housing on the site as has been previously proposed in various schemes. On balance this approach is welcomed as an appropriate response to the

character and context of the immediate area of the site in terms of the residential typology of the building format proposed.

- 7.2.14 It is highlighted that the most recent previously refused scheme followed the same approach in context as now put forward. However, in the assessment of that application particular shortcomings were identified in the arrangement of the proposal that rendered the scheme unacceptable. These have also been outlined in the planning history above. The current scheme has taken these issues into account and now presents a revised arrangement.
- 7.2.15 The Appeal history of the site has detailed that the site lies in a well-established, residential suburb comprising mainly semi-detached houses and bungalows lining the road frontages and set in good sized plots. The area is consequently dominated by two-storey and single storey buildings of traditional appearance with hipped, pitched roofs.
- 7.2.16 It is also important to note that the application site boundaries have been revised in the current and previous scheme on the site to create a greater frontage width adjoining Towncourt Lane. This substantially improves the potential plot arrangement that can be achieved on the site and is an improved and significant factor in how the site can be developed.
- 7.2.17 The submitted plans show a two storey development of a semi detached pair of houses and a detached house. Each house has relatively low eaves and ridge heights as detailed above that are akin to similar houses in the vicinity. The roof structures have been designed to limit the scale of the building by incorporating full hipped roofs over all the houses as opposed to a half hip style as was previously proposed. The siting of the houses has been revised within the site maximising separation distances to adjacent property in a contextually and spatially acceptable manner. The further setback of the houses from the previous scheme affords a now subservient relationship to the streetscene creating an open aspect to the Towncourt Lane and Shepperton Road junction setting of the site. The staggered relationship of the semidetached houses has been reduced mitigating the previous concerns raised in this respect.
- 7.2.18 The retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents and to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. The scheme has thus provided adequate separation distances to adjacent property boundaries in the context of the prevailing pattern of development and on balance, it is considered that the level of separation indicated between properties is sufficient to maintain the established and individual qualities of the area.
- 7.2.19 It is acknowledged that surrounding property views of the site will alter in terms of outlook and streetscene vistas. However, the siting of the building at the distances away from surrounding buildings will not be overbearing. The mass, scale and design style of the houses will therefore be comparable to surrounding property in this locality with regard to the height, building proportions, roofscape and window proportions considered to echo the adjacent context. Therefore, the impact of the

houses in terms of their mass and scale is considered minimal now, representing an unobtrusive infill development.

7.2.20 In terms of design approach, this is traditional which takes its cues from the locality. Traditional materials can be conditioned in any planning approval and as such it is considered that the impact on the character and context of the locality is positive as the scheme will add a suitable traditionally styled infill houses between existing developments.

7.3 Standard of residential Accommodation – Acceptable

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

7.3.2 Policy D6 of the London Plan relates to ‘Housing quality and standards’ states that housing development should be of high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners. The policy also prescribes internal space within new dwellings and external spaces standards that are in line with the National Technical Housing Standards.

7.3.3 Policy D7 of the London Plan - Accessible Housing, states that to provide suitable housing and genuine choice for London’s diverse population, including disabled people, older people and families with young children, residential development must ensure that at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) ‘wheelchair user dwellings’ and; all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) ‘accessible and adaptable dwellings’.

7.3.4 A Part M compliance drawing has been submitted that details compliance with the relevant sections of Part M. A compliance condition is recommended with any permission in this regard.

7.3.5 Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. The Mayor’s Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse

and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Technical Housing Standards.

- 7.3.6 The floor space size of each of the semi-detached houses is the same at approximately 124m² respectively. The floor space size of the detached house is approximately 142m². The nationally described space standards require a GIA of 93m² for a three bedroom potentially five person dwelling and 124m² for a four bedroom potentially eight person dwelling in relation to the number of persons, floors and bedrooms mix. On this basis, the floorspace size provision for all dwellings is compliant with the required standards and is considered acceptable.
- 7.3.7 The internal layout of the houses has a regular form, the shape and room size in the proposed units is generally considered satisfactory for the units where none of the rooms would have a particularly convoluted shape which would limit their specific use.
- 7.3.8 In terms of amenity space, the depth and width of the rear gardens are of sufficient proportion to provide a usable space for the purposes of a family dwellinghouse and is representative of the proportions of rear gardens in the vicinity.

7.4 Residential Amenity – Acceptable

- 7.4.1 Policy 37 of the Bromley Local Plan seeks to respect the amenity of occupiers of neighbouring buildings and those of future occupants, providing healthy environments and ensuring they are not harmed by noise and disturbance, inadequate daylight, sunlight, privacy or by overshadowing.
- 7.4.2 Policy 4 of the Bromley Local Plan also 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.
- 7.4.3 In terms of outlook, the fenestration arrangement appears to provide front, rear and flank outlook in the building with flank windows being to non-habitable rooms. Subject to a suitable planning condition to ensure obscure glazing to the flank windows this is considered acceptable.
- 7.4.4 In terms of scale and bulk the arrangement of the dwellings footprints to adjacent property at the retained No96 and No92 to the south, do not appear to have an undue effect to neighbouring amenity.
- 7.4.5 The staggered relationship of the proposed semi-detached houses has been reduced from that previously considered to cause an overbearing relationship between the pair. The relationship would now be considered on balance to be acceptable. Furthermore, the moderately set back footprint of the dwellings are not considered to unduly affect neighbouring amenity in terms of noise and disturbance.

7.5 Trees – Acceptable

- 7.5.1 Policy 73 of the Bromley Local Plan states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained.
- 7.5.2 Policy 77 of the Bromley Local Plan states that development proposals will seek to safeguard the quality and character of the local landscape and seek the appropriate restoration and enhancement of the local landscape through the use of planning obligations and conditions.
- 7.5.3 Minimal details of landscaping have been submitted for the areas given over to garden for external amenity for future occupiers. Further details can be requested by condition as necessary.

7.6 Highways – Acceptable

- 7.6.1 The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.6.2 The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 7.6.3 London Plan and Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.
- 7.6.4 The Council's Highway Officer has reviewed the current application and not raised any objection to the level of parking provided off road at the site.
- 7.6.5 The intensification of the use of the existing access with a moderate level of widening as a single point of entry to the resultant parking area for the three houses within the altered demise of No94 is proposed. The proposed access is not of a width that would allow for two way access into or out of the site. However, whilst the proposal would increase the number of vehicular trips to and from the site, the number of movements would be likely to be fairly low and, on balance this minor alteration is not considered a sufficient reason to withhold planning permission subject to a road safety audit that can be sought by planning condition.
- 7.6.6 As regards the adjacent property at No96, this property has an in/out driveway which will be altered to a single access as result of the revised site boundaries to

facilitate the development. The arrangement could also be altered to this effect without the need for planning permission and is effectively outside of the application site once the boundary of the site is altered. Furthermore, plans approved under ref 20/01995/FULL6 (see planning history) for a single storey side and rear extension at No96 have also conferred approval for this access arrangement and remain extant at the time of writing.

- 7.6.7 On balance, the proposal is considered generally acceptable from a highways perspective subject to further information to be sought by planning condition.
- 7.6.8 Cycle parking is required to be 2 spaces for a new dwelling. The applicant has not provided details of a location for cycle storage. Further details in this regard are recommended by condition.
- 7.6.9 All new developments shall have adequate facilities for refuse and recycling. The applicant has not provided details of a refuse storage area. Further details in this regard are recommended by condition.
- 7.6.10 The installation of electric car charging points within the shared parking areas of the houses is also recommended to be sought by planning condition.

7.7 Sustainability - Acceptable

- 7.7.1 The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.
- 7.7.2 Paragraph 9.2.3 of the London Plan states that Boroughs should ensure that all developments maximise opportunities for on-site electricity and heat production from solar technologies (photovoltaic and thermal) and use innovative building materials and smart technologies. This approach will reduce carbon emissions, reduce energy costs to occupants, improve London's energy resilience and support the growth of green jobs.
- 7.7.3 Local Plan Policy 123 states that all applications for development should demonstrate how the principles of sustainable design and construction have been taken into account.
- 7.7.4 An informative is recommended with any approval to ensure that the development strives to achieve these objectives.

7.8 Other matters

- 7.8.1 Representations received in respect of property value is not a planning matter for consideration.

8 CONCLUSION

- 8.1 Taking into account the above, The development would have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers. It is considered that the density and house type of the proposed scheme is acceptable and that the development would not be detrimental to the character and appearance of the locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.
- 8.2 On balance the positive impacts of the development are considered of sufficient weight to approve the application with regard to the presumption in favour of sustainable development to increase housing supply.
- 8.3 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. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Details of sustainable surface water drainage.**
- 4. Details of a Construction Management Plan.**
- 5. Details of landscaping for hard and soft areas.**
- 6. Details of materials.**
- 7. Details of refuse storage.**
- 8. Details of cycle storage.**
- 9. Details of surface water drainage – highways.**
- 10. Details of Parking and turning area and submission of Road Safety Audit.**
- 11. Details of Visibility splays**
- 12. Installation of Swift nesting brick.**
- 13. Protection from Traffic Noise measures.**
- 14. Details of electric car charging points.**
- 15. Details of obscure glazed windows.**
- 16. Removal of all PD Rights**
- 17. Installation of ultra-low NOx boilers.**
- 18. Compliance with Part M of the Building Regulations.**

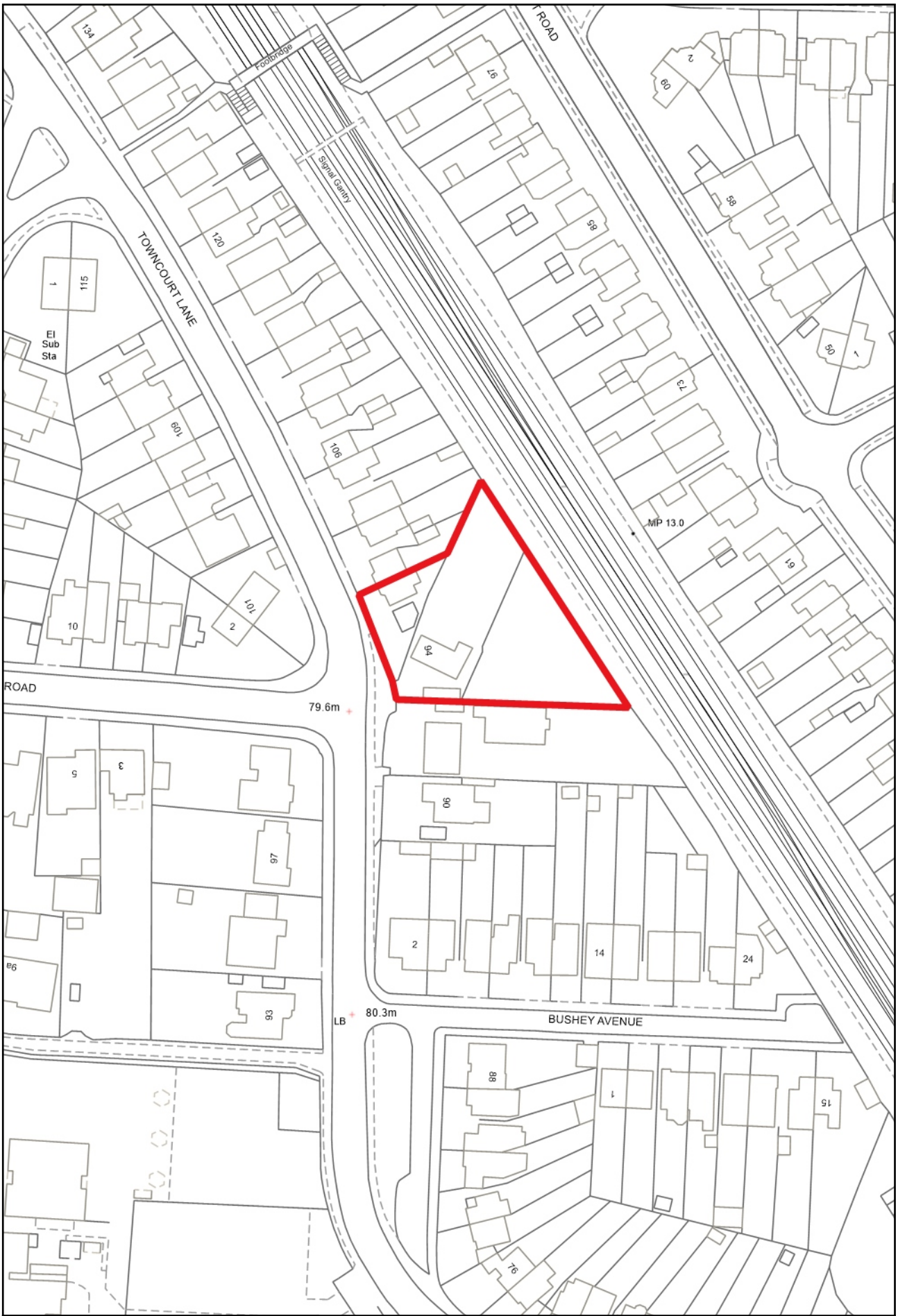
Any other planning condition(s) considered necessary by the Assistant Director of Planning

Informatives

- 1. Reminder regarding submission of pre commencement conditions.**
- 2. Contact street naming and numbering.**

- 3. Reminder regarding crossovers. Vehicle Crossover Application will need to be made to the Highway's Department.**
- 4. Reminder of CIL payments.**
- 5. Reminder regarding Part M compliance.**
- 6. Reminder to contact Environmental Health if land contamination encountered during works.**
- 7. Reminder all developments shall maximise opportunities for sustainability.**

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23 March 2021

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