



THE LONDON BOROUGH
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DATE: 3 January 2024

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

Councillor Simon Fawthrop (Chairman)
Councillor Will Rowlands (Vice-Chairman)
Councillors Felicity Bainbridge, Kathy Bance MBE, Peter Dean, Charles Joel,
Kevin Kennedy-Brooks, Keith Onslow and Sam Webber

A meeting of the Plans Sub-Committee No. 4 will be held at Bromley Civic Centre,
Stockwell Close, Bromley, BR1 3UH on **THURSDAY 11 JANUARY 2024 AT 7.00
PM**

TASNIM SHAWKAT
Director of Corporate Services & Governance

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

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

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

To register to speak please telephone Democratic Services on 020 8313 4316. You can also email stephen.wood@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 9TH NOVEMBER 2023**
(Pages 1 - 10)
- 4 **PLANNING APPLICATIONS**

Report No.	Ward	Page No.	Application Number and Address
4.1	Clock House	11 - 38	(23/02120/FULL1) - Garages Adjaent 2 Shrewsbury Road, Beckenham.
4.2	Darwin	39 - 58	(23/02241/PLUD) - 5 Leaves Green Crescent, Keston, BR2 6DN
4.3	St Mary Cray	59 - 70	(23/03189/FULL6) - 17 Chesterfield Close, Orpington, BR5 3PQ
4.4	Chislehurst	71 - 84	(23/03765/FULL6) - The Roses, Kemnal Road, Chislehurst BR7 6LT
4.5	Petts Wood and Knoll	85 - 100	(23/03919/FULL6) - 150 Kingsway, Petts Wood, Orpington, BR5 1PU
4.6	Beckenham Town & Copers Cope;	101 - 130	(23/04047/NDFLAT) - Ribble Hurst, 45 The Avenue, Beckenham, BR3 5EF.
4.7	Bromley Town;	131 - 144	(23/04405/FULL1) - Ravensleigh House, Westmoreland Place, Bromley, BR1 1DS.

5 **CONTRAVENTIONS AND OTHER ISSUES**

NO REPORTS

Application No. and Address of Property

6 **TREE PRESERVATION ORDERS**

NO REPORTS

TPO No. and Address of Property

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

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PLANS SUB-COMMITTEE NO. 4

Minutes of the meeting held at 7.00 pm on 9 November 2023

Present:

Councillor Simon Fawthrop (Chairman)
Councillor Will Rowlands (Vice-Chairman)
Councillors Felicity Bainbridge, Kathy Bance MBE, Peter Dean,
Charles Joel, Kevin Kennedy-Brooks, Keith Onslow and
Sam Webber

Also Present:

Councillors Alison Stammers and Pauline Tunnicliffe

31 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

There were no apologies for absence.

32 DECLARATIONS OF INTEREST

Visiting Member Councillor Stammers declared she was a neighbour of the speaker in support of item 4.2.

33 CONFIRMATION OF MINUTES OF MEETING HELD ON 14TH SEPTEMBER 2023

The minutes of the meeting held on 14th September 2023 were agreed and signed as a correct record.

34 PLANNING APPLICATIONS

34.1 CRYSTAL PALACE AND ANERLEY

**(22/03824/FULL1) - 15 Madeline Road, Penge,
London, SE20 8AY**

Description of application – demolition of existing 5 bedroom three storey detached house and erection of detached building for 6 self-contained flats over four storeys with associated parking and amenity spaces.

The Planner – Development Management (West) advised of the following:

- the front sheet of the report referred to the site

- being adjacent to Metropolitan Open Land, however this was not the case;
- a revised drawing of the upper ground floor plan was submitted on the 22nd of June 2023; and,
 - a revised drawing indicating car parking spaces of sufficient size and adequate manoeuvring space was received on the 3rd October 2023. It included the provision of an electric vehicle charging point and a condition relating to this was recommended.

It was reported that a statement in support of the application had been received from the agent. This had been circulated to Members and was also tabled at the meeting.

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

The Chairman considered that if permission was to be granted, further conditions should be added in relation to slab levels; ridge height; additional electric vehicle charging points; renewable sources of energy; and water harvesting, which could address concerns raised by Thames Water.

In response to questions, the Planner – Development Management (West) advised that the application site was in an area with a PTAL (Public Transport Accessibility Levels) rating of 5. The London Plan suggested that for sites within PTAL 5-6, the starting point should be car free development rather than providing car parking spaces. There was an oversupply in relation to this, but LBB Highways Officers were happy with the proposals.

Members having considered the report, objections and representations, **RESOLVED** that **PERMISSION BE GRANTED** as recommended, subject to the conditions set out in the report of the Assistant Director, Planning and with the addition of further conditions relating to slab levels; ridge height; additional electric vehicle charging points; renewable sources of energy; and water harvesting.

Description of application – demolition of the existing sports clubhouse. Erection of repositioned sports pavilion, external equipment store, cycle and bin store, perimeter fencing and associated works, including new access from car park and landscaping.

The Development Management Area Team Leader (East) reported that an artist's impression image had been received from the applicant. This had been circulated to Members and was also tabled at the meeting. The Chairman noted that the applicant had also circulated a comprehensive planning summary to Members.

Oral representations in support of the application were received at the meeting. The following responses were given to Members' questions:

- It was believed that the neighbouring rugby club was a two storey building, consisting of a ground floor and a floor in the eaves of the roof.
- Staff of Millwall Community Trust, established as a charity in 1985, would deliver additional programmes. They had been delivering these services in Southwark, and most recently in Sevenoaks. The Trust had a number of resources which the club did not. These programmes would be offered at times other than Saturdays and Sundays, when the park was used by Orpington Football Club, to bring different users into the park to experience recreation and sport.
- The footprint of the new building was smaller than that of the existing pavilion as the proposal was for a two storey build.
- The applicant had consulted with LBB Planning Officers over four years, spending £40k. They initially sought pre-planning advice which had helped determine the location and proposals. The first application was refused as it was felt to be too large, invasive and overbearing. Following this they worked with the Football Foundation to reduce the size as much as they could.
- Two consultations had been undertaken, the first during the pandemic lockdown period in March 2020. However it had been well publicised online, and 322 questionnaires had been hand delivered. Over 600 responses were received, mostly online, but 35 were returned

questionnaires. Approximately 300 of the responders were connected with Orpington Football Club, but the other 300 were not. Overall, 93% of responses were in favour of new facilities in the park, so that indicated that there was a broad consensus for them to proceed. Following the first application being refused they had appealed to the local MP and Ward Councillors, and it was suggested that an in person consultation be held for local residents. In May 2023, an evening consultation had been held, attended by 35 local residents. They were provided with an opportunity to view the drawings and plans. Some residents had expressed concerns regarding late night parties, alcohol licences and football taking over the park – however assurances were offered in relation to these points and most attendees had left feeling reassured. They wanted to provide an excellent grassroots facility that supported its members and other park users.

- A preliminary ecological appraisal had been undertaken – the report concluded that no harm would be caused by the proposed plans as they would “make good” the site of the old pavilion. There was an opportunity for improvement and expansion of the woodland – planting new trees would protect the older trees behind. It was proposed that a hedgerow would be planted, surrounding the new fencing, softening the appearance of the building and providing new habitats for different wildlife. It was noted that the location chosen was considered to be acceptable by the LBB arboriculture team.
- They would be applying for an alcohol licence – income was a necessity to maintain a £2m building. They currently spent £45k a year maintaining the old pavilion and pitches. The hours proposed were dusk plus an hour – this would only be extended six times a year when they had club events. This could be controlled by conditions, and they would be happy to work with the Council in relation to this.
- Sport England and the Football Foundation both said that a clubhouse, a multipurpose club room which could be used for training were appropriate facilities – this was stated in the appendices submitted. They would be unhappy

if approval was not given for this element.

Oral representations in objection to the application were also received at the meeting. The following responses were given to Members' questions:

- They were representing over 40 local residents, as part of an organisation called Friends of Goddington Park, and many lived less than a mile from the park. High levels of traffic and issues were being experienced on both sides of the park.
- Sports operating in the park had been taken into consideration when moving to the area – it had been much quieter, and they had not experienced parking issues. In the last five years they had seen exponential usage with more football pitches created and more matches being played in the park.
- They had worked with Orpington Football Club over recent years to manage the roads on a Saturday and Sunday to allow people access from Court Road to Goddington Lane, and up to the park. From 10.00am on a Sunday morning people could not get into, or exit, Goddington Lane – there were lots of issues, including driveways being blocked.
- The traffic assessment had been undertaken in March 2020 during the pandemic lockdown – this was a quiet time as people were asked to stay at home. The traffic assessment should have been completed at 10.00am on a Saturday or Sunday morning to be more accurate. The rugby club also had issues with people parking for the football club – it created massive issues in terms of congestion around the area, with 600-700 people coming to the park for football matches. Friends of people living on Goddington Lane did not visit at weekends because of this. Discussions regarding infrastructure needed to be part of the planning process to alleviate the flow of vehicles. The car parks needed to be larger, but it was not known how could happen without encroaching on the green belt and making the park even smaller.

Oral representations from Ward Member Councillor Tunnicliffe in support of the application were received at the meeting. Councillor Tunnicliffe highlighted that

as Ward Member, only a couple of emails had been received opposing the application. The concerns of local residents were understood, and many had been addressed by the applicant over the last couple of years. The views of the Friends of Goddington Park were also respected and they were thanked for all the work they undertook.

Members were asked to consider the following when making their decision – investment into the borough should be welcomed, especially in the current economic climate. Not just financial investment, but the investment of time – the applicant, and those supporting Orpington Football Club, had given their time in abundance to make the club the success it was today. Some of the most vulnerable children and young people played there regularly – for those with difficult home backgrounds, this was the only safe place they had, and the club was like family for them. Obesity and mental health issues were an increasing problem – sport was valuable in alleviating the stresses of modern day life and should be encouraged.

Councillor Tunnicliffe said that a site visit had been undertaken with her Ward colleague, Councillor Botting – the old pavilion was not fit for purpose and an eyesore. The existing pavilion had set a precedent years ago for building on the greenbelt belt, so replacing it, although in a slightly different location within the park, was a logical move for the club – consideration could be given to other facilities that the building could offer to the local community. The new pavilion and its facilities were welcomed – it was considered that the advantages of the application far outweighed the disadvantages, and Members were urged to support it.

The Chairman advised Members that he had requested a list of the postcodes for those that made comments on the application. Some in support were from as far away as Herne Bay, Sidcup, Croydon and Tonbridge – those objecting all lived relatively local to the application site.

Councillor Rowlands considered that if the application was in another location, it would not be an issue and he supported what the Football Club were trying to do. However there needed to be extremely good grounds to go against the officer recommendation. The

application site was in the greenbelt and went against elements of the Bromley Local Plan, London Plan and the NPPF – he therefore moved that the application be refused.

Councillor Joel said that following a site visit he could see why the existing building needed to be replaced – it was in a dilapidated condition, having been in place for 50 years. The report gave the main reason for recommending refusal as the impact on the greenbelt and the openness of the area, and that there were no special circumstances. However, judging the application on its own merits, it was considered that there was a need to replace the existing building within the open grounds and greenbelt to meet the need for football and sports facilities. In addition to the points raised relating to the London Plan, Bromley Local Plan and NPPF there were also a number of points given as to why the proposal was acceptable. Although a two storey building was proposed, it would be screened by the trees and additional landscaping – it would integrate with the other sports in the playground areas and facilities. Councillor Joel moved that the application be approved.

Councillor Dean highlighted the importance of encouraging young people to participate in sport and pursue healthy activity in a safe environment. It was noted that the Football Club were also looking to introduce walking football for older participants. The comments made by Councillor Tunnicliffe were echoed – people should be encouraged to exercise wherever possible, and providing these much needed facilities demonstrated very special circumstances. The applicant had made great efforts to facilitate local residents and take their concerns on board – they had conducted their own consultation and would not be proceeding with the application if there were a significant number of people opposed. The building had a smaller footprint, noting an increased amount of floor space, because it had been designed with consideration in mind. Councillor Dean seconded the motion for approval.

Councillor Onslow echoed the comments made by Councillor Dean, and said he was fully in support of the application. There were very special circumstances, including the input from Millwall Community Trust to expand the facilities on site.

Councillor Bance agreed that the sports club did need modernisation, however it was disappointing that there was no consideration to make modifications. Councillor Bance seconded the motion for refusal as the very special circumstances did not outweigh the loss of the greenbelt, which was very precious in Bromley.

Councillor Webber echoed the comments made in support of the application on the grounds that very special circumstances had been met. The support from Millwall Community Trust, who did not have a footprint in the borough, was contingent on this application. The current pavilion had been described as an eyesore – its improvement and enhancement would bring a lot of support to that part of the borough. A number of the players, families and people connected may be from a different demographic to those using the neighbouring rugby club, and this should also be taken into consideration.

Councillor Kennedy-Brooks considered that the pavilion being used primarily for sports was an important point – however the issues related to the greenbelt were also hugely relevant. The pavilion was something he would be happy to support, as there was already an existing building, but the addition of a kitchen and bar was not something that the greenbelt should be used for. However, if the Committee were to approve the application he would like to see extra conditions included for these elements.

The Motion for permission was put to a vote and CARRIED.

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

There were very special circumstances:

- The involvement of the Millwall Community Trust and the different users and activities that will be brought to the park.
- The social objectives of sustainable development, which would be delivered by allowing the club to continue, and to expand and to support other uses in the park.
- Encouraging exercise and providing activities for young people.

Delegated authority was granted to the Assistant Director (Planning) to impose such conditions as he considers necessary and to secure any planning obligation considered necessary.

**34.3
BICKLEY AND SUNDRIDGE**

**(23/02774/NDFLAT) - Summerfield, Freelands
Road, Bromley, BR1 3AG.**

Description of application – erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store. (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms and nationally described space standards, impact on residential amenities and protected views).

THIS REPORT WAS WITHDRAWN BY THE ASSISTANT DIRECTOR: PLANNING.

**34.4
KELSEY AND EDEN PARK**

**(23/01152/TPO) - 1 Kelsey Way, Beckenham, BR3
3LP**

Description of application – Oak tree in rear garden – Removal.

Members having considered the report and objections **RESOLVED** that **consent to fell x 1 Oak tree be GRANTED** as recommended, subject to the conditions and informatives set out in the report of the Assistant Director, Planning.

**34.5
HAYES AND CONEY HALL**

(23/02995/TPO) - 54 Baston Road, Hayes, BR2 7BE

Description of application – Yew tree - Fell.

THIS REPORT WAS WITHDRAWN BY THE ASSISTANT DIRECTOR: PLANNING.

35

CONTRAVENTIONS AND OTHER ISSUES

NO REPORTS

36

TREE PRESERVATION ORDERS

NO REPORTS

The Meeting ended at 8.25 pm

Chairman

Agenda Item 4.1

Committee Date	11.01.2024	
Address	Garages Adjacent 2 Shrewsbury Road Beckenham	
Application Number	23/02120/FULL1	Officer - Russell Penn
Ward	Clock House	
Proposal	Re-development of dis-used garages on land between 2-4 Shrewsbury Road, London, BR3 4DB, to provide 1No 3B5P dwelling, and 1No 3B4P dwelling, plus off street parking for 3No cars, with active EV chargers, and landscaped private amenity areas, and new dropped kerb.	
Applicant	Agent	
Mr Fergus Prentice	Mr Andrew Harrison	
Apartment B82 Albion Riverside 8 Hester Road London SW11 4AP	70C High Street Haslemere Surrey GU27 2LA	
Reason for referral to committee	Call-In – In summary, the changes are acknowledged. However, scheme still represents a cramped backland over development with harm to character, neighbouring amenity and highways/parking issues.	Councillor call in Cllr Jeremy Adams

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA 15</p>
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Land use Details		
	Use Class or Use description	Floor space (GIA SQM)
Existing	Use Class E	255.44m ²
Proposed	Use Class C3	236.87m ²

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		2
Total			2		2

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	18	3	-15
Disabled car spaces	0	0	0
Cycle	0	5	+5

Electric car charging points	Three active charging points.
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Representation summary	Neighbour letters were sent out on 21/06/2023 and 28/07/2023. An Article 13 site notice was displayed on the site on 22/06/2023
Total number of responses	26
Number in support	0
Number of objections	26

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The site optimisation of the proposed scheme is acceptable and will widen the mix of houses available and contribute towards meeting the needs for new houses.
- The development will not be detrimental to the character and appearance of the area.
- The proposed development will have a high quality design and would not have an unacceptable impact on the amenity of neighbouring occupiers.
- The standard of the accommodation that will be created will be good.
- The proposal will not have an adverse impact on the local road network or local parking conditions.
- The proposal will be constructed in a sustainable manner and will achieve good levels of energy efficiency.

2 LOCATION

- 2.1 The site comprises an 'L' shaped piece of land occupied by two rows of lock up garages with hardstanding between, comprising 19 garage spaces that are currently unused. The garages have a low mono pitch form, with higher eaves adjacent to the boundary measuring 2.63m from the existing ground level within the application site, sloping down to a lower eave height within the site, measuring on average 2.48m. Ground levels marginally vary across the site.
- 2.2 The site is located in a gap in the streetscene between No's 2 and 4. Historical records indicate that the site has not previously been used for direct residential use.
- 2.3 To the south east of the site is No.2, a two storey detached dwelling. Further east are three storey blocks of flats at 231 to 237 Croydon Road. To the north west are a mix of terraced and semi-detached two storey housing.
- 2.4 The site is not located in a conservation area nor is the building listed.



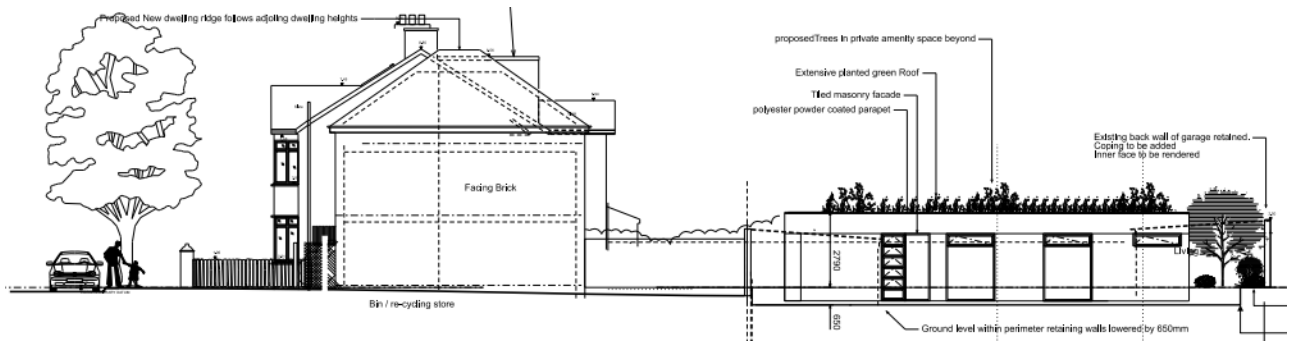
Location Plan

3 PROPOSAL

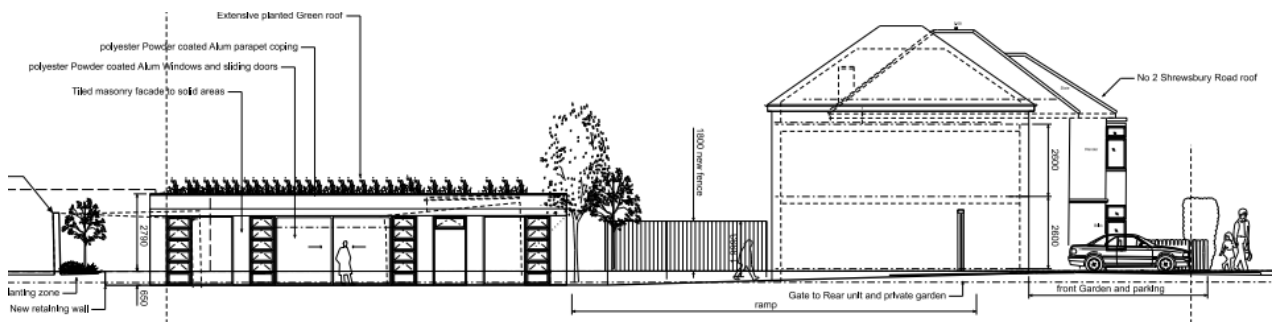
- 3.1 Planning permission is sought for re-development of dis-used garages on land between 2-4 Shrewsbury Road to provide 1 three bedroom five person dwelling, and 1 three bedroom four person dwelling, together with off street parking for 3 No cars, with active EV chargers, and landscaped private amenity areas and a new dropped kerb.
- 3.2 The development is arranged with a single storey house to the rear of the site and a two storey detached house with additional roofspace accommodation to the front section of the site.
- 3.3 The rear single storey house dimensions 8m width by 15m length is located centrally offset within the rear section of the site. The ground level is lowered 650mm below existing ground levels resulting in a 2.79m height above original ground levels. The roof is flat and comprises an extensive green flat roof with wildflower seed and plant mix. A brise soleil is shown to the north west elevation.
- 3.4 The detached house building is located set 1m from the south east boundary with No2 Shrewsbury Road and 2m from the north east boundary with No4 and dimensions approximately 7.8m width by 8.2m depth with a pitched roof at 5.8m to the eaves and 9m to the ridge featuring rooflights to the front and side roofslopes.
- 3.5 Pedestrian access only is available to the rear house via a side access way running along the north west boundary in close proximity to the existing building at No4. A shared parking area for three cars is indicated in the front curtilage of the site accessed from a new crossover from Shrewsbury Road.
- 3.6 A private garden area is indicated around the rear house predominantly permeably paved. The front detached house has its own private garden area. The existing wall to the rear garages is retained and coping treatment added to the top and the inner face rendered.
- 3.7 Materials proposed are indicated to follow a palette used on the surrounding housing involving painted rendered walls, a slate roof, and painted timber windows to the front house. The rear development is proposed to be a tiled masonry façade with a green roof and polyester powder coated aluminium windows.



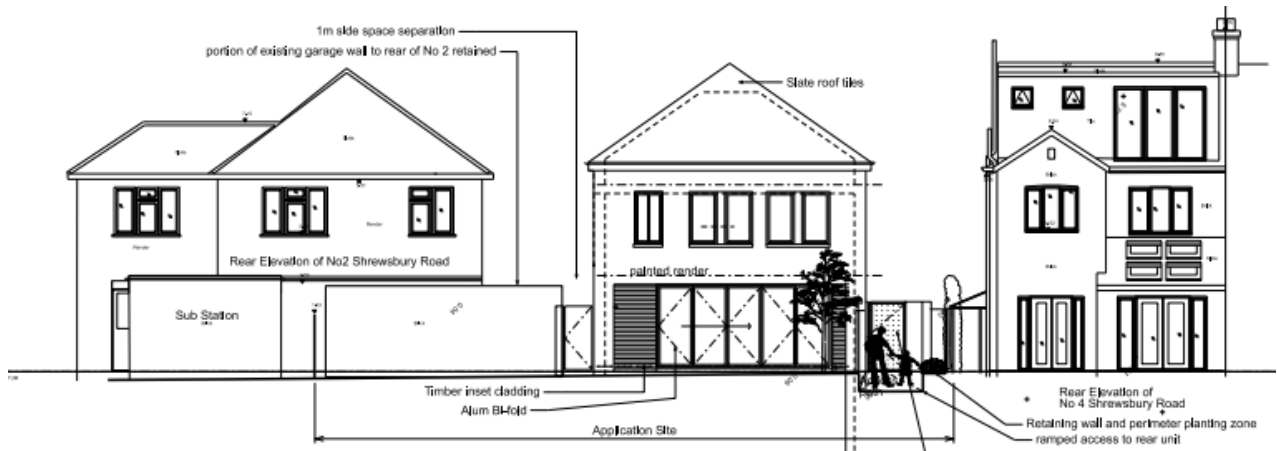
Principle elevation facing Shrewsbury Road



East Elevation – showing flank wall of proposed front dwelling and side elevation of rear dwelling.



West Elevation - showing flank wall of proposed front dwelling and side elevation of rear dwelling.



North Elevation – showing rear elevations of adjacent properties and rear elevations of new dwelling at front of site.

3.8 The application was supported by the following documents:

- Planning Support Statement and DAS and Fire Statement
- Urban Greening Factor Calculator Document
- Transport Technical Note

4 RELEVANT PLANNING HISTORY

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

4.2 91/02248/OUT: Land between 2-4 Shrewsbury Road, Beckenham. Two storey block comprising 2 one bedroom and 4 studio flats with garages and parking spaces (Outline). Refused 06.11.1991.

- Refusal reasons related to the number of units resulting in an over intensive use of the site. Depth of projection detrimental to neighbouring amenity by reason of over shadowing, loss of light and prospect.

4.3 23/00296/FULL1: Re-development of dis-used garages on land between 2-4 Shrewsbury Road, London BR3 4DB, to provide 4 dwelling houses (3No 2B3P dwellings, plus 1No 3B5P dwellinghouse), plus off street parking for 3No cars, with active EV chargers, and communal landscaped garden. Refused 17.03.2023

- The refusal reasons stated the proposed development constituted cramped backland over development where there is an unacceptable impact upon the character, appearance and context of the area by reason of scale, design, siting and proximity to neighbouring garden curtilage and 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 locality.
- The proposed development by reason of its overbearing nature, siting and proximity to neighbouring buildings and property boundaries was also considered to have a serious and adverse effect on the residential amenity enjoyed by the occupants of neighbouring property.
- Furthermore, the proposed development by reason of the location of the terrace houses at the rear and introduction of publicly accessible areas to the rear of the site into a predominantly rear garden curtilage area in close proximity to neighbouring buildings and rear property boundaries would have resulted in an excessive increase in noise and disturbance from multiple users of the development and have a serious and adverse effect on the privacy and amenity enjoyed by the occupiers of adjoining properties that they might reasonably expect to be able continue to enjoy.

5 CONSULTATION SUMMARY

A) Statutory

Environmental Health Officer – No objection

- Previous comments made in regards application reference 23/00296/FULL1 still apply. No objection to the proposals in principle. Conditions recommended for further information in relation to any gas boilers being low NOx; Construction and Environmental Management Plan; use of Non-Road Mobile Machinery (NRMM) in

construction; submission of a contaminated land assessment and use of electric vehicle charging points.

Drainage Officer – No objection

- Proposed use of permeable paving with sub-base in access drive and car park areas is accepted. Further details of a surface water drainage strategy to be sought by planning condition.

Highway Authority Officer – No objection

- The property is based in a PTAL 2 area, the surrounding streets are part of a CPZ. As such, and where limited properties have off street parking, on street parking demand is high. This development sees the introduction of two properties, and three parking spaces, bin store and cycle parking. There is a proposed new access which would need to see the old access reinstated and the applicant would need to apply for a new dropped kerb. Three parking spaces are in excess of London Plan standards. However, it would be difficult to raise an objection from a highway perspective.

Thames Water – No objection

- Thames Water have no comments to make at this time.

London Fire Brigade – No objection

- Guidance Note 29 explains the access arrangements needed for fire appliances to get sufficiently close to a premises for firefighting operations and there is also guidance on the minimum road widths, turning circles, road humps and projections from buildings.

B) Local Groups

- No comments.

C) Adjoining Occupiers

Character (addressed in para 7.3)

- Proposal out of character for this neighbourhood.
- Concerns that scheme is an overdevelopment of the plot due to potential occupier density on site using some rooms labelled as study as bedrooms.
- Cramped arrangement overlooked by other properties and not in keeping with the general area.
- Front house is not in keeping with the other houses in Shewsbury Road.
- Comments regarding building a bungalow in this location might set a precedent. Currently no such precedent locally.
- Location of front house is acceptable but location of rear house out of character and not in keeping with the area.

- Comments the footprint size of rear house is out of character with sizes in the locality.
- Proposal is cramped and over intensive.
- Design and layout is not in keeping with the area.
- Rear house design with green roof, looks nothing like the surrounding homes making its design inappropriate for the area.
- Need for more housing should not compromise quality.

Neighbouring Amenity (addressed in para 7.6)

- Concerns re outlook to rear building that maybe extended at a future date.
- High level window from rear house overlooking No.2 garden and kitchen causing privacy issue.
- Concerns regarding light pollution from rear house.
- Concerns with proximity of rear house to neighbouring outbuildings in terms of amenity impacts to their use.
- Multiple comments re location causing loss of privacy and detrimental amenity impact.
- Concerns with loss of light and outlook from both dwellings.

Highways and Parking (addressed in para 7.5)

- Concerns raised with parking capacity and on-site parking arrangement not being adequate.
- Concerns with loss of on-street parking for neighbour use to facilitate on site parking.
- Shrewsbury Road is first street not in the CPZ and suffers from parking influx from other areas.
- No vehicle access to rear bungalow.
- Concerns re emergency vehicle access and servicing arrangements.
- Concerns with the accuracy of the parking survey.
- Concerns with access to/from neighbouring driveways.

Noise and disturbance (addressed in para 7.6)

- Multiple concerns with increased noise and disturbance due to rear house location to the neighbouring properties on both Cromwell and Shrewsbury Road.

Other comments (addressed in section 7)

- Concerns with stability of remaining garage walls.
- Concerns with proximity of boundary walls and excavation for footings close to neighbouring property.
- If allowed dwellings should not allowed to be extended.
- Tree planting should not be fast growing type.
- Comments regarding effect on surface water drainage in the locality.
- Rear house is lower and dug down. Site close to Chaffinch Brook. Concerns re high risk of surface water flooding.
- Garden spaces too small.

- Concerns with impacts well being of neighbouring property trees and shrubs.
- Comments regarding safe removal of asbestos garage roofs is required.
- Concerns about the impact of the excavation on ground stability and flooding.
- Concerns with extra impact on local services such as schools, doctors/dentists.
- Green roof concerns in terms of future maintenance. Green roof is only to increase UGF.
- Comments regarding suitability of waste management arrangements.
- Land contamination concerns.
- Concerns regarding loss of biodiversity and green space.
- Comments that the site is not brownfield land.
- Comments that the amended fire statement does not adequately address the fire risks of the rear house location.

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 revised and published on 19th December 2023. The development plan for Bromley comprises the London Plan (March 2021) and the Bromley Local Plan (January 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 Planning Policy Framework 2023

6.6 London Plan 2021

- D1 London's form and characteristics
- D2 Infrastructure requirements for sustainable densities
- 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
SI2	Minimising greenhouse gas emissions
SI3	Energy infrastructure
SI4	Managing heat risk
SI5	Water infrastructure
SI7	Reducing waste and supporting the circular economy
SI13	Sustainable drainage
T2	Healthy Streets
T3	Transport capacity, connectivity and safeguarding
T4	Assessing and mitigating transport impacts
T5	Cycling
T6	Car parking
T6.1	Residential Parking
T7	Deliveries, servicing and construction

6.7 Bromley Local Plan 2019

1	Housing supply
3	Backland and Garden Land Development
4	Housing design
8	Side Space
30	Parking
32	Road Safety
33	Access for All
34	Highway Infrastructure Provision
37	General design of development
70	Wildlife Features
72	Protected Species
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
121	Ventilation and Odour Control
122	Light Pollution
123	Sustainable Design and Construction

124 Carbon dioxide reduction, Decentralise Energy networks and Renewable Energy

6.8 Bromley Supplementary Guidance

Housing: Supplementary Planning Guidance (March 2016)
Housing Design Standards - London Plan Guidance (June 2023)
National Design Guide (September 2019)

6.9 Urban Design Guide - Supplementary Planning Document (July 2023)

DG1: Reinforcing Local Character and Identity
DG3: Continuity and Enclosure
DG5: Architectural Design
DG6: Materials and Detailing
DG7: Housing Design
DG11: Landscape Design
DG14: Inclusive Design
DG18: Healthy Homes
DG20: Sustainable Design

7 ASSESSMENT

7.1 Resubmission

7.1.1 The application is a resubmission with a revised scheme of a previously refused development on the same site as detailed above in the planning history. The reader is reminded that the current scheme has radically altered the proposal for the site with significant alterations taking account of the Officer report and reasons for refusal previously given.

7.1.2 The merits of the resubmitted scheme are assessed further below.

7.2 Principle of Development – Acceptable

- Housing Supply

7.2.1 The current published position is that the FYHLS (covering the period 2021/22 to 2025/26) is 3,245 units or 3.99 years supply. This position was agreed at Development Control Committee on the 2nd of November 2021 and acknowledged as a significant undersupply. Subsequent to this, an appeal decision from August 2023 (appeal ref: APP/G5180/W/23/3315293) concluded that the Council had a supply of 3,235 units or 3.38 years. The Council has used this appeal derived figure for the purposes of assessing this application. This is considered to be a significant level of undersupply.

7.2.2 For the purposes of assessing relevant planning applications this means that the presumption in favour of sustainable development may apply. It is noted that the appeal derived FYHLS figure assumes the new London Plan target of 774 units per

annum applies from FY 2019/20 and factors in shortfall in delivery against past targets since 2019.

- 7.2.3 The NPPF (2023) 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.
- 7.2.4 Having regard to footnote 8 of the NPPF, the policies which are most important for determining this application, including Policy 1 of the Bromley Local Plan, are out-of-date and consequently the presumption in favour of sustainable development as set out in Paragraph 11(d) is engaged.
- 7.2.5 This application includes the provision of two residential dwellings 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.
- Land Use and Optimising Sites:
- 7.2.6 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.
- 7.2.7 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.
- 7.2.8 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.
- 7.2.9 Local Plan Policies 4 and 37 accord with paragraph 130 of the National Planning Policy Framework, which requires development to be sympathetic to local character whilst optimising the potential of sites.

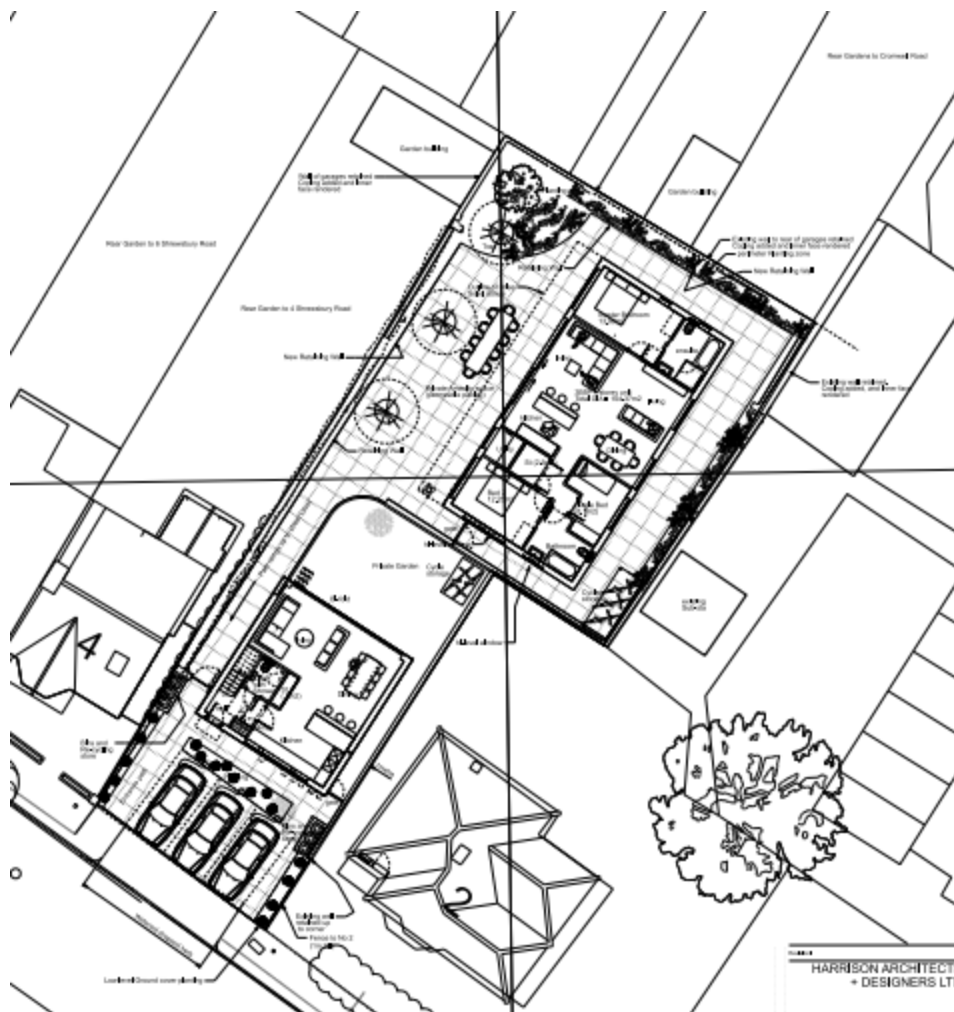
- 7.2.10 Policy 3 of the Bromley Local Plan in respect of ‘Backland and Garden Land Development’ states new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met; there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats, or play space or amenity space; there is no unacceptable impact on the residential amenity of future or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.
- 7.2.11 The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.
- 7.2.12 The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.
- 7.2.13 The site comprises an area of land that has historically been used for garaging of motor vehicles. The site is therefore considered a windfall site and may be acceptable for a limited form of residential development.
- 7.2.14 It was previously opined that development of the site would appear to be more generally suitable only to the front section of the site while development to the rear would not be supported as was proposed. The reader shall note that this view was in relation to the previous scheme that was proposed for three houses to the rear of the site and that each scheme shall be considered on its merits.
- 7.2.15 The application site is partly surrounded by garden land to its north east, north west and south east boundaries but is also connected in context to the functional rear areas of blocks of flats on Croydon Road. Therefore, with the nature of the spatial qualities of the surrounding backland areas that are a mix of residential garden areas and other uses, together with the former use of the site as garaging, it is considered that residential development of the rear area of the site for habitable living accommodation can be supported on this site in this context.
- 7.2.16 However, this is subject to a revised assessment of the impact of the new proposal on the appearance, character and context of the surrounding area in relation to the scale, design led site optimisation of the proposed development, 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.
- 7.2.17 The above is assessed further in the following sections of this report.

7.3 Design and Layout - Acceptable

- 7.3.1 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.
- 7.3.2 Paragraph 131 of the NPPF (2023) states the creation of high quality, beautiful and sustainable 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.
- 7.3.3 Paragraph 135 of the NPPF (2023) requires Local Planning Authorities to ensure that developments: a) 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; b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; c) 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); d) 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; e) 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 f) 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 users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 7.3.4 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.3.5 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.
- 7.3.6 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.
- 7.3.7 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.

- 7.3.8 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.
- 7.3.9 Policy 3 of the Bromley Local Plan details in that new residential development will only be considered acceptable on backland or garden land if there is no unacceptable impact upon the character, appearance and context of an area in relation to the scale, design and density of the proposed development; there is no unacceptable loss of landscaping, natural habitats and a high standard of separation and landscaping is provided.
- 7.3.10 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.
- 7.3.11 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.
- 7.3.12 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.
- 7.3.13 The site is located within a primarily residential area that features a mix of terraced, semi-detached and detached two storey housing on Shrewsbury Road and larger flatted blocks fronting Croydon Road in relative proximity to the site to the south east beyond No2 Shrewsbury Road. The houses on Shrewsbury Road are

positioned on generous linear plots with there being no examples of backland development within the vicinity of the site. Whilst many houses have parking areas to the front, the long rear gardens and the presence of substantial trees and vegetation creates a green suburban sylvan environment to the rear with street facing houses only, with similar building styles, frontage line, building heights and roof forms. The context of the site is considered to relate to this context of Shrewsbury Road. However, the area to the south east of the site is also located adjacent to the functional rear areas often used for parking associated with the blocks of flats on Croydon Road as described above. Importantly, the site can also be said to be related to this context. In essence the existing site is considered transitional in context between the two areas which with an appropriate design response, can be developed accordingly for re use as residential property as opposed to the existing and vacant garaging function of the site.



Proposed site layout.

7.3.14 In terms of the rear house, the proposed building is unrelated to those adjacent in its design, scale and siting. However, the rear, location facilitates this approach. The central footprint location, scale, massing and design has responded well to the context in which it exists. As such the resultant building is single storey with a lowered ground level reducing the overall height with all the accommodation being provided at ground floor level. This reduces the buildings scale and prominence to

surrounding property. The addition of a green roof will also help the built format assimilate to its rear more green location. Given the resultant separation distances, including to the proposed dwelling to the front of the site, it is considered that the siting, scale and bulk of the building in this context is considered acceptable and is an appropriate design response to the intrinsic constraints of this site that stitches the building comprehensively into the existing suburban fabric.

7.3.15 The detached house located to the front of the site is more representative of housing on Shrewsbury Road. Its spatial characteristics appear balanced within the site with suitable levels of separation to each boundary. It is noted that the front elevation is set back further than other dwellings, however, this would appear to allow a parking area for three cars to serve the development, which given the representations received in respect of parking issues, appears to be an acceptable compromise to enable new housing development on this site.

7.3.16 In terms of the overall design approach the London Plan outlines that architecture should contribute to the creation of a cohesive built environment that enhances the experience of living, working or visiting in the city. This is often best achieved by ensuring new buildings reference, but not necessarily replicate, the scale, mass and detail of the predominant built form surrounding them, and by using the highest quality materials. Contemporary architecture is encouraged, but it should be respectful and sympathetic to the other architectural styles that have preceded it in the locality.

7.3.17 The proposed design of the rear house would represent a departure from the more modest architectural styles of the closest neighbouring properties, however, the detached nature of the building and complimentary scale proposed allow a design that is unique in this context. As proposed the building will have a relatively low impact in its rear location without an unacceptable impact upon the character, appearance and context of the area.

7.3.18 The detached front house would be more representative in terms of design approach of the traditional format of architecture to which it relates, being street facing on Shrewsbury Road. Subject to specific details of materials this approach is welcomed.

7.3.19 On balance given the above varying characteristics between the front and rear of the site, the siting, scale and design of each of the dwellings to their differing contexts allow the development as a whole to respond to the overall transitional nature of the site in this part of Shrewsbury Road.

7.4 Standard of Residential Accommodation – Acceptable

7.4.1 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.

- 7.4.2 The London Plan Guidance - Housing Design Standards (June 2023) and London Plan 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 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. The standards apply to new build, conversion and change of use proposals.
- 7.4.3 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'.
- 7.4.4 Part M compliance has been stated within the submitted Design and Access Statement. It is stated that both units are designed to comply with Part M4, the rear single storey unit meeting the higher optional requirements of M4(3) wheelchair user dwellings. The front unit incorporates accessible cloakroom with shower on the ground floor following the spatial requirements of Diagram 2.6 of Part M4(2).
- 7.4.5 Policy 4 of the BLP also sets out a number of criteria to ensure that all new housing developments will need to achieve a high standard of design and layout whilst enhancing the quality of local places and ensuring a good standard of amenity for future occupiers.
- 7.4.6 In terms of the required Gross Internal Area (GIA) in relation to the number of occupants and bedrooms. The gross internal floor space size of the front house is 132.5m² over three levels as a three bedroom four person dwelling. The gross internal floor space size of the rear house is 104.37m² over a single level as a three bedroom five person dwelling.
- 7.4.7 The relevant space standards require a Gross Internal Area of 90m² (best practice 100m²) for a three bedroom four person dwelling house on three levels and 86m² (best practice 97m²) for three bedroom five person dwelling on a single level. Therefore, the GIA of each house respectively meets these standards and is acceptable.
- 7.4.8 It is noted that representations have commented that a study indicated to the first floor of the front house could be used as bedroom and increase occupancy. However, this room is approximately 7.1m² in size. The Housing Design Standards LPG at Section C3.4 advises that in new dwellings the 'Best Practice' guidance is to provide a dedicated study room in dwellings with three or more bedrooms and that a study room should be less than 7.5m². Therefore, this room is considered as a study for assessment purposes. Moreover, given changing home working practices, a dedicated study room is a relevant best practice requirement for new dwellings.

7.4.9 The shape, room size and layout of the rooms in both the proposed dwellings is considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use.

7.4.10 In terms of amenity space, sufficient provision and quality of space is indicated. Although the parameters are less than similarly sized properties in the wider vicinity, the depth, size and proportions of the amenity space areas are considered still suitable for the unit types proposed.

7.5 Highways – Acceptable

7.5.1 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.

7.5.2 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.

7.5.3 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.

- Car parking

7.5.4 Policy T6 Car Parking in the London Plan advocates that car-free development should be the starting point for all development proposals in places that are (or are planned to be) well connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite').

7.5.5 A parking area for three spaces will be provided to the front of the site adjoining Shrewsbury Road with a widened crossover for use by both dwellings. A Transport Technical Note has been submitted and reviewed by the Highway Authority. The Highway Authority has not raised any objection to the level of parking provided at the site or the vehicle access arrangements from the highway. On balance it is considered that there will be minimal impact on parking in the vicinity and the proposal is considered generally acceptable from a highways perspective.

7.5.6 Electrical vehicle charging points are indicated for each parking space. Further technical details of the installations are recommended to be sought by planning condition.

- Cycle parking

7.5.7 London Plan policy T6 seeks the provision of short-stay and long-stay cycle parking spaces in development proposals. Cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards.

7.5.8 Cycle parking is required to be 2 spaces for dwellinghouses as proposed. The applicant has provided details of two locations for cycle storage, one for the front house in the rear garden curtilage with two spaces for their use and another location within garden area for the rear house with three spaces. A planning condition is recommended in this regard for further details of containment structures.

- Refuse

7.5.9 All new developments shall have adequate facilities for refuse and recycling. Details of a location for refuse storage for each dwelling within compliant proximity to the highway for collection purposes has been provided. A planning condition is recommended in this regard for further details of containment structures.

- Fire Safety

7.5.10 Policy D12 of the Draft London Plan states that in the interests of fire safety and to ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety and ensure that they identify suitably positioned unobstructed outside space for fire appliances to be positioned on; appropriate for use as an evacuation assembly and are designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire including appropriate fire alarm systems and passive and active fire safety measures; are constructed in an appropriate way to minimise the risk of fire spread; provide suitable and convenient means of escape, and associated evacuation strategy for all building users; develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in; provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

7.5.11 It is noted that some concerns have been raised in this regard from representations received. For developments of this type the matter of fire safety compliance is covered by Approved Document B of the Building Regulations. The developer has taken account of this in their design as documented in the submitted Fire Statement and accompanying plans. The London Fire Brigade has reviewed the plans.

7.5.12 The Fire Statement report submitted provides a Planning stage strategy review in response to the London Mayor's Policy D12 and does not negate the separate requirement that any new build development has in respect of the Building Regulations requirements that apply. The Fire Statement shows that with the correct selection of materials and fire safety installations indicated within the building, compliance with the current Building Regulations is achievable.

7.6 Neighbouring Amenity – Acceptable

- 7.6.1 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.
- 7.6.2 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.
- 7.6.3 In determining any application, a key consideration is the impact of the development on the amenities of neighbouring properties.
- 7.6.4 One of the main areas of concerns raised in representations is the location of the rear dwelling in what has been opined as a backland location. While the siting of a dwelling at this location has been assessed in terms of its character and context, the amenity impacts require analysis. The design is relevant in this regard with its single storey low height format. This helps reduce any visual harm in terms of outlook from surrounding property which together with the green roof will be minimalised in terms of any visual intrusion and will indeed be improved over the current situation of dilapidated garaging.
- 7.6.5 Furthermore, the rear house is sited with a good separation from the property boundaries of the site that adjoin the rear gardens of neighbouring plots as opposed to being located directly adjacent to the main residential dwellings. The rear dwellings windows to habitable living spaces would also only face boundary treatment and with a lowered ground level this would prevent direct overlooking to adjoining curtilage.
- 7.6.6 In terms of the front house, the fenestration arrangement will provide outlook to the front and rear elevations only from the main habitable room windows. There are no windows to the flank side of the building. Roof light windows are secondary which can be obscure glazed. These are not considered to overlook or cause loss of privacy. Generally, it is considered that the fenestration arrangement will maintain privacy to adjacent property due to the separation distances proposed and oblique outlook angles. Furthermore, views from one property to the curtilage of another in a suburban environment is commonplace.
- 7.6.7 Further concerns have been raised in respect of noise and disturbance due to the increased intensity of the occupation of the rear part of the site and use of the proposed pedestrian accessway to the rear house. Whereas in the previously refused scheme this was for three houses and introduction of a public realm element in the rear location, the current revised scheme is for a single house to the rear with a private and gated side access. In this situation it is not considered that the occupation of this part of the site by a further residential unit will be harmful in this respect from the extra general comings and goings related to just a single dwelling use.

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 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 A green roof is included over the flat roof of the rear dwelling which is welcomed. Access for green roof maintenance can also be carried out from the site area. A compliance condition to ensure installation is recommended.
- 7.7.5 An informative is recommended with any approval to ensure that the development strives to achieve sustainability objectives. For a non major scheme, energy and water efficiency can only be secured under the building regulation regime as standard, in order to meet the requirements of Policies 123 and 124 of the Local Plan and Policy SI 2 of the London Plan.

7.8 Sustainable Drainage – Acceptable

- 7.8.1 Policy SI 13 Sustainable Drainage of the London Plan states that development proposals should aim to achieve greenfield run-off rates and ensure that surface water run-off is managed as close to its source as possible.
- 7.8.2 Policy 116 of the Local Plan details that all developments should seek to incorporate sustainable Urban Drainage Systems (SUDS) or demonstrate alternative sustainable approaches to the management of surface water as far as possible.
- 7.8.3 It is stated that all paving and parking areas will be permeable including sub-bases as part of a strategy to provide a good Urban Greening Factor score. It is recommended that further detail of a scheme for the provision of surface water drainage and foul drainage shall be submitted by planning condition with any permission.

7.9 Air Quality - Acceptable

- 7.9.1 Policy SI 1 of the London Plan outlines in summary that development proposals should not lead to further deterioration of existing poor air quality and shall minimise

increased exposure to existing air pollution and make provision to address local problems of air quality in preference to post-design or retro fitted mitigation measures.

7.9.2 Policy 120 of the Local Plan states that developments which are likely to have an impact on air quality or which are located in an area which will expose future occupiers to pollutant concentrations above air quality objective levels will be required to submit an Air Quality Assessment.

7.9.3 The site is located within the Bromley AQMA (2020). Therefore, it is considered prudent for the development to incorporate Ultra Low NOx boilers as necessary. A condition is recommended in this regard with any permission.

7.10 Trees and Landscaping - Acceptable

7.10.1 London Plan Policy G7 focuses on London's urban trees, setting out that development proposals shall ensure that, wherever possible, existing trees of value are retained. If the removal of trees is necessary, there should be adequate replacement based on the existing value of the benefits of the trees removed.

7.10.2 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.

7.10.3 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.

7.10.4 An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden and hard landscaping for external amenity for future occupiers. Further details are recommended to be sought by planning condition.

7.11 CIL

7.11.1 The Mayor of London's CIL and the Borough CIL are material considerations. CIL is payable on this application and the applicant has completed the relevant form.

8 CONCLUSION

8.1 Taking into account the above, the proposed 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 site optimisation and unit types of the proposed scheme are acceptable and that the development would not be detrimental to the context, character and appearance of the area and locality. The standard of the accommodation that will be created will be good. The proposal would not have an adverse impact on the local road network or local parking conditions. The proposal would be constructed in a sustainable manner and would achieve good levels of

energy efficiency. It is therefore recommended that planning permission is granted subject to the imposition of suitable conditions.

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**

Pre-commencement

- 3. Land Contamination Assessment**
- 4. Details of sustainable surface water drainage.**
- 5. Construction and Environmental Management Plan**

Prior to above ground works

- 6. Details of landscaping for hard and soft areas.**
- 7. Details of materials.**
- 8. Details of refuse storage containment.**
- 9. Details of lighting scheme.**
- 10. Details of cycle parking**

Prior to occupation/use

- 11. Parking arrangements to be installed as approved.**
- 12. Existing vehicular access shall be stopped up.**
- 13. Details of electric car charging point.**
- 14. Green roof installation compliance.**

Compliance conditions

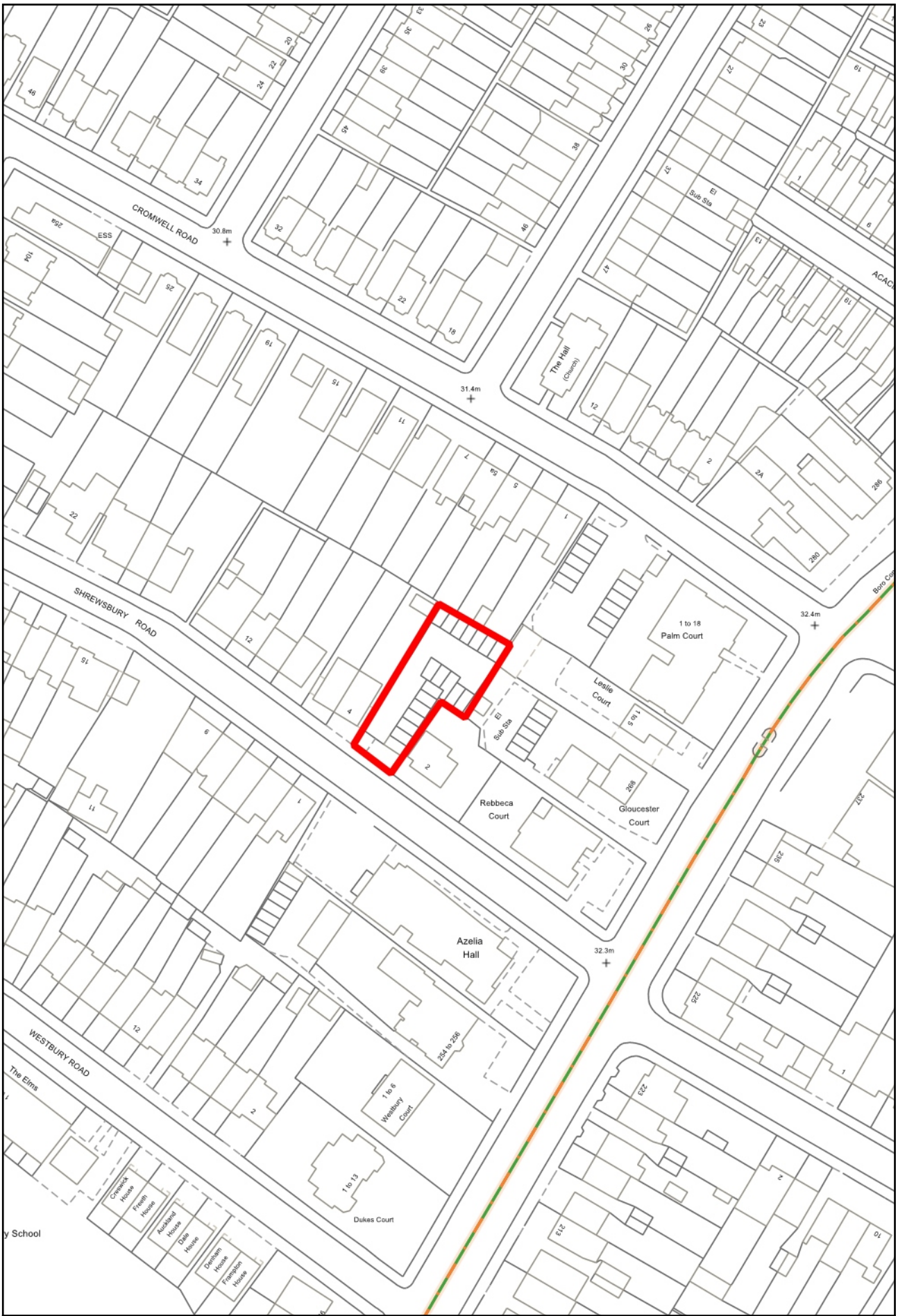
- 15. No additional pipes or plumbing.**
- 16. Removal of all permitted development rights.**
- 17. Implementation in accordance with approved slab levels**
- 18. Compliance with Part M of the Building Regulations.**
- 19. Installation of ultra-low NOx boilers.**
- 20. Obscure glazing to front house side rooflights.**
- 21. Fire safety compliance.**

Delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.

Informatives

- 1. Reminder regarding submission of pre commencement conditions.**
- 2. Contact naming and numbering Officer at the Council.**
- 3. Reminder of CIL payments.**
- 4. Street furniture or Statutory Undertaker's apparatus repositioning.**
- 5. Reminder regarding Part M compliance.**
- 6. Reminder regarding Part B compliance.**
- 7. Energy efficiency measures.**

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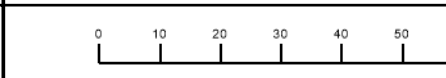
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 23/02120/FULL1



02 January 2024

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Agenda Item 4.2

Committee Date	11 th January 2024	
Address	5 Leaves Green Crescent Keston BR2 6DN	
Application Number	23/02241/PLUD	Officer – Joanna Wu
Ward	Darwin	
Proposal	Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such (Lawful Development Certificate Proposed)	
Applicant	Agent	
Mr Callum Harwood	Mr Irfan Tailor	
5 Leaves Green Crescent Bromley Keston BR2 6DN	Sufair Ltd 36 Wolsey Crescent New Addington London CR0 0PE	
Reason for referral to committee	Call-In	Councillor call in Yes – Cllr Andrews - Some uncertainty with respect to whether or not the caravan/mobile home constitutes development. - Concerns that it would be inappropriate to place a caravan/mobile home on land within the Green Belt.

RECOMMENDATION	Proposed Use/ Development is Lawful
-----------------------	-------------------------------------

<p>KEY DESIGNATIONS</p> <p>Biggin Hill Noise Contours Biggin Hill Safeguarding Area Green Belt London City Airport Safeguarding Smoke Control Technical Sites Biggin Hill</p>
--

Representation summary	Neighbour notification letters sent 27.10.2022	
Total number of responses		1
Number in support		0
Number of objections		1

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal is not classified as operational development and does not represent a material change of use of the residential land.
- An identical LDC application (planning ref: 22/04204/PLUD) was previously refused at the planning sub-committee in April 2023 and this application is currently at the appeal stage. The applicants have provided some additional information to address the reasons for refusal. After assessing this information, the Council has decided that the appeal case will not be contested.

2. LOCATION

- 2.1 The application site hosts a two storey semi-detached house located on the western side of Leaves Green Crescent, Keston. The property is located within an area designated as Green Belt land.
- 2.2 As shown in Figure 1, the curtilage of No.5 extends to include a large parcel of land to the rear. This part of the application site, where the caravan/ mobile home would be located, had its permitted development rights for any buildings, structures, alterations walls or fence removed in 1994 (planning ref: 94/0028/FUL).

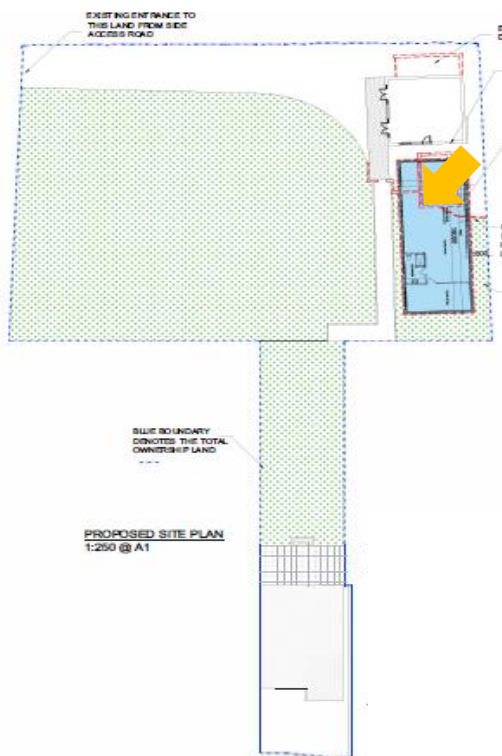


Fig 1: Site plan (Location of caravan/mobile home)



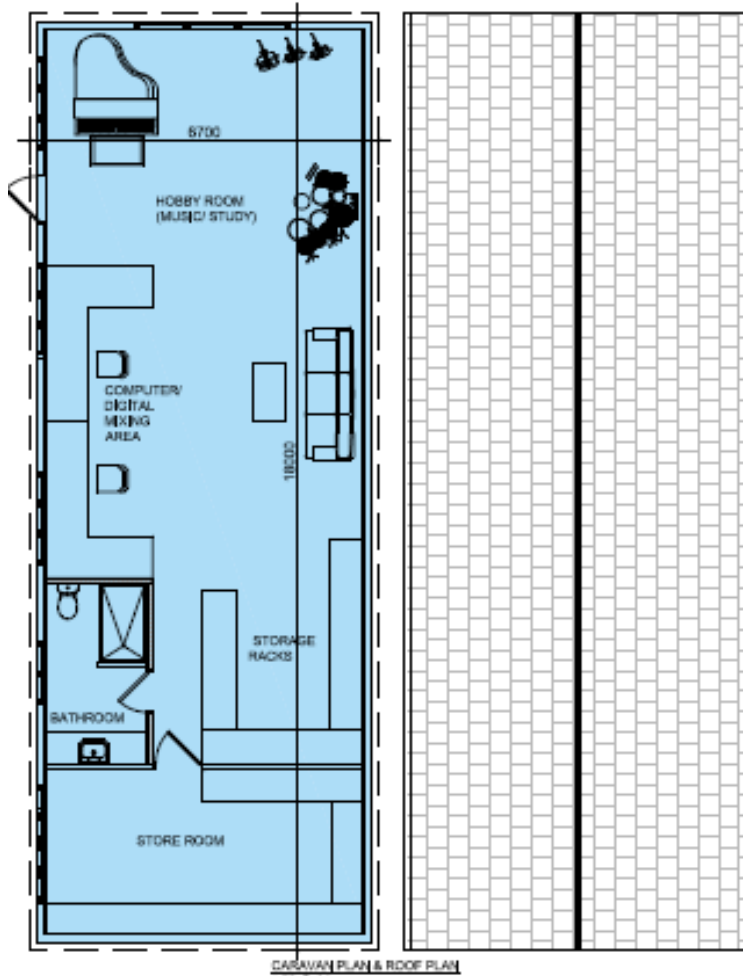
Photo 1: Existing garden (viewed from the dwellinghouse).



Photo 2: Existing garden (viewed from the garage).

3. PROPOSAL

- 3.1 The application seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a caravan/mobile home.
- 3.2 The proposed caravan/ mobile home would measure 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m. The proposed mobile home would be sited in the rear garden and would provide a hobby room (music/ study), computer/ digital mixing area, a bathroom and a store room.



CARAVAN PLAN & ROOF PLAN

Fig 2: Proposed floorplan and roof plan.

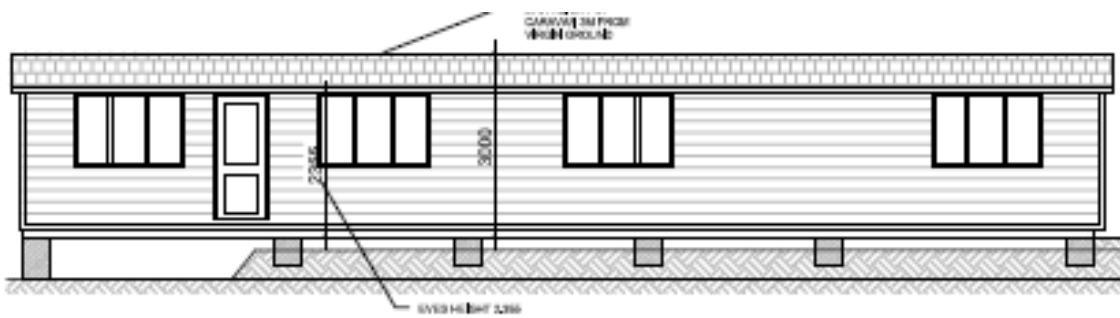


Fig 3: Proposed South elevation (front elevation).

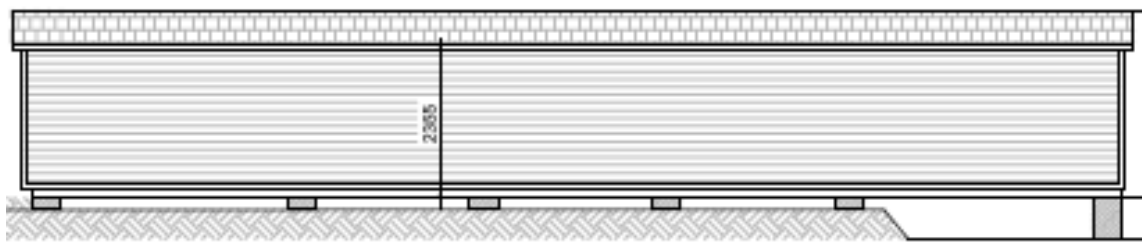


Fig 4: Proposed North elevation (rear elevation).

- 3.3 An identical LDC application (planning ref: 22/04204/PLUD) was refused in April 2023. For Members' information, that application is currently at the appeal stage (Appeal ref: APP/G5180/X/23/3323690). The reason for refusal was:

"In light of the failure by the speaker on behalf of the applicant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful."

- 3.5 In this current scheme, the applicants have now provided additional information to address the above reason for refusal. A full copy of this supporting statement is attached in Appendix A. In particular, the applicants have provided further clarification and justification for the proposed use of the caravan (bullet point 5) and the size of the caravan relative to the main dwellinghouse and in absolute terms (bullet point 7).
- 3.4 After assessing the above information, the Council has resolved not to contest the appeal and confirmed this position to the Planning Inspectorate. A copy of the Council's appeal statement is attached in this report (Appendix B).

4. Comments from Local Residents and Groups

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

Objections

- The proposal would be very close to the edge of the neighbouring land;
- Loss of privacy
- The mobile home/ caravan would constitute inappropriate development in the Green Belt;
- Reduces the availability of sunlight to immediately adjacent garden.

5. RELEVANT PLANNING HISTORY

- 5.1 The relevant planning history relating to the application site is summarised as follows:
- 5.2 94/00028/FUL – Change of use from grazing land to residential garden and retention of 2 pigeon lofts and storage shed and aviary (RETROSPECTIVE) – 07.03.1994
- 5.3 88/01039/FUL - Single storey rear extension - (Permitted) 12.05.1988
- 5.4 91/01425/FUL - Single storey side/ rear/ front extension - (Permitted) 05.08.1991
- 5.5 19/05262/FULL6 - Extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom - (Refused) 09.03.2020
- 5.6 21/05110/PLUD - Single storey outbuilding LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Lawful) 10.02.2022
- 5.7 21/05172/PLUD - Erection of an outbuilding comprising home office and gym (Lawful Development Certificate Proposed) - (Appeal allowed)

- 5.8 22/04204/PLUD - Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such. LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Not lawful) 26.04.2023

Reason for refusal:

"In light of the failure by the speaker on behalf of the applicant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful."

- 5.9 23/01539/PLUD – Hip to gable loft conversion including rear dormer with two front roof lights and eight front solar panels (three additional and rearrangement of five existing solar panels) LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED) - (Lawful) 15.06.2023

6. PLANNING ASSESSMENT

- 6.1 Given that the proposal is identical to the previous refusal scheme, Members should be aware that the officers' assessment in this section is similar to that presented in the previous report. It is advised that Members should read this section in conjunction with the Council's Appeal Statement (Appendix B).

The Meaning of Development

- 6.2 According to section 55 (1) of the Town and Country Planning Act 1990 "development, means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land".
- 6.3 According to section 55 (2) (d) of the Town and Country Planning Act 1990 "the use of any buildings or other land within the curtilage of a dwellinghouse for the purposes incidental to the enjoyment of the dwellinghouse, shall not be taken to involve development of the land".
- 6.4 Legal advice was sought on whether the proposed caravan location is part of the curtilage of No. 5. This confirms that the land where the caravan/mobile home is proposed to be located is under the same ownership as No 5 and can be directly accessed from the rear of No 5 as there is no boundary treatment between the two plots. It is therefore considered that it is within the curtilage of No. 5.

The definition of a caravan/ mobile home

- 6.4 The definition of a caravan, which includes a mobile home, as outlined within section 29(1) of the Caravan Sites and Control of Development Act 1960 states that a caravan is any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or

adapted, but does not include (a) any railway rolling stock which is for the time being on rails forming part of a railway system, or (b) any tent.

6.5 The Caravan Sites Act 1968 Section 13 - definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 provides as follows:

- (1) A structure designed or adapted for human habitation which:
 - (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely:
 - (a) length (exclusive of any drawbar): 20 metres;
 - (b) width: 6.8 metres;
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres."

6.6 In order to assess whether a caravan is permitted at this location, two criteria have to be considered:

- whether the proposal is an operational development
- whether the proposal comprises a material change of use of the land

The proposal would not comprise operational development

6.7 The applicants confirm that the caravan would be towed in with the help of a Land Rover or similar vehicle and placed in the desired location. This caravan will remain movable, which falls within the definition of a caravan as stated within the 1960 Caravan Site and Control of Development Act and Caravan Sites Act 1968.

6.8 The caravan would be stationed on padstones and jacks. The supports (jacks and padstones) will be taller at some locations where the ground level is lower as shown in Figure 3. It would be connected to utilities such as electric, water etc but these could be easily disconnected. The details show that the caravan would measure approximately 18m in length and 6.7m in width (maximum) and would have a total height of 3m with an eaves height of 2.4m (3m from the finished floor to the highest point of the ceiling).

- 6.9 The application drawings and accompanying planning statement indicate that the proposed unit would comply with the dimensions set out in the 1968 Act and that it could be lawfully transportable to/from the site by towing by suitable vehicle. It is therefore accepted that the caravan/ mobile home would fall within the definition of a caravan, provided that the construction and the required measurements stated in the application are met.
- 6.10 However, it should be noted that the continued mobility of the structure is essential to its definition as a caravan. If that is lost due to development carried out upon the structure, then it will cease to be a caravan.
- 6.11 The submitted drawings show that the proposed caravan/ mobile home would not be permanently fixed to the ground and could be easily removed from the site. The proposal, therefore, would not be considered to be a "building".
- 6.12 Having considered all the above, the proposal would not be classified as operational development under section 55 of the Act, given that the mobile home would continue to be a mobile and removable structure (i.e. by definition it is a caravan).

The proposal would not comprise a material change of use of the land

- 6.13 With regards to whether this part of the land is within the curtilage of the dwellinghouse, the case officer has carried out a site visit and has confirmed that the proposed location of the caravan is part of the curtilage of No. 5.
- 6.14 The caravan by its nature would be physically separated from the dwellinghouse and it could be accessed externally and separately from the dwellinghouse. However, the applicants have confirmed that the caravan would be used by the members and guests of the main dwelling and the electricity and plumbing etc is connected to the main dwelling supply. Therefore, the proposal would be functionally connected to and subservient to the dwellinghouse. It is accepted that there is a clear functional link between the dwellinghouse and the caravan. The proposal, therefore, would be incidental to the use of the dwellinghouse.

7. CONCLUSION

- 7.1 The caravan/ mobile home is not classified as a permanent structure fixed to the ground as it could be moved or removed easily from the site if necessary and it would provide incidental space to the main house without providing a new, separate dwelling severed from the main house. In these circumstances and for these reasons the proposal is not regarded as operational development and doesn't represent a material change of use of the residential curtilage land.
- 7.2 Therefore the proposal would comprise lawful development under section 192 of the Town and Country Planning Act 1990, and it is recommended that a Lawful Development Certificate is granted.
- 7.3 Background papers referred to during production of this report comprise all correspondence on the file, excluding exempt information.

Recommendation: CERTIFICATE BE GRANTED

The siting the caravan would not amount to operational development and use of the caravan would not result in a material change of use of the land by virtue of Section 55(2)(d) of the Town and Country Planning Act 1990.

Encl.:

Appendix A – Statement by applicant

**Appendix B – The Council's Appeal Statement for planning ref: 22/04204/PLUD
(Appeal ref: APP/G5180/X/23/3323690)**

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Appendix A

Statement by applicant

In relation to concerns raised previously regarding the application, the applicant provides the following further information, while noting that under Government Guidance relating to LDCs, planning merits should not be considered.

1. **Regarding a tree that would have to be felled.** This is a young tree of no specific note. While there is no matter of planning law that would require it, the applicant is happy to plant a replacement tree on site, if the tree cannot be retained.
2. **Regarding making the development smaller if required.** As already noted by the Planning Officer, this is not development. Since no development exists it is not possible to make said 'development' smaller. The applicant commits to keeping the caravan within the definitions stipulated by the Caravan Act.
3. **Regarding how the caravan would be brought onto site.** The caravan would be towed onto site behind a Rangerover (or similar) style vehicle – as explained in the Planning Officer Report, via the driveway and gates to the south west of the site:



4. **Regarding need for a bathroom in a caravan.** While not a planning consideration, the main dwelling has just 2 bathrooms some 60m away. The applicant has a family of 5 (including very young children), and often more on site with visiting relatives. Noting the desire for this

to be used as a year round facility, it would be unreasonable to expect young children in need of the toilet to venture 60m away - potentially in darkness and rain - in the hope of finding an unoccupied toilet. Previous statements in reference to school outbuildings are not valid comparisons. In response to concerns about whether anyone would struggle to get to a toilet; yes – the applicant’s 1 year old and wheel-chair bound grandparent would struggle.

5. **Regarding use as a music room including piano, drums and digital mixing area and whether the applicant plays any of these instruments.** The applicant has a GSCE in music, has composed concert music and has passed graded exams in piano, trumpet, french horn, saxophone and music theory. In his time he has been a member of various musical ensembles including the Kent Youth Wind Orchestra and Kent Youth Jazz Orchestra. The applicant’s brother in law has been a professional DJ for over 20 years. The desire is for the applicant’s children to have a musical upbringing and the proposed suite of instruments in the application represents those in which the applicant anticipates the children will find their grounding in music.
6. **Regarding ‘specifically what the caravan would be used for’.** This has been addressed extensively in the application. However, if the Caravan were used for any other purposes, which were found to be unlawful, normal enforcement options exist. The application is to determine whether the uses stated would be lawful – not any other uses.
7. **Regarding the size of the caravan in relative (to the main dwellinghouse) and absolute terms.** There is no aspect of law which determines what size a caravan can be (either in absolute or relative terms) in relation to any other building, other than as provided for in the Caravan Act, as referenced in the application and Planning Officer report. As a Lawful Development Certificate application (rather than a Planning Application), the only question to be put is whether the proposal – as described, and used for the purposes described – would transgress any stated law. It is not subject to the subjective opinions of a Planning Application.
8. **Regarding the site does not have (some) permitted development rights.** This is irrelevant since the LDC does not propose to make use of any permitted development rights.
9. **Regarding whether a caravan constitutes development.** This Planning Report considers this extensively and concludes it does not constitute development.
10. **Regarding the site is in green belt land.** This is not relevant since the proposal does not constitute development.

It is hoped that all additional queries raised have been addressed by the answers given in this statement. Should there be any further questions or queries, the applicant is happy to meet with any relevant parties to discuss.

Appendix B

LONDON BOROUGH OF BROMLEY
HOUSING, PLANNING AND REGENERATION



STATEMENT OF CASE

LBB REF: 22/04204/PLUD

PINS REF: APP/G5180/X/23/3323690

Appeal by Mr Callum Harwood against the refusal by LB Bromley to grant a Certificate of Lawfulness for the siting of a caravan/mobile home within the rear garden of the existing property for purposes incidental to the enjoyment of the dwellinghouse as such at 5 Leaves Green Crescent, Keston, BR2 6DN.

1. Introduction

1.1 The appeal relates to the refusal by LB Bromley to grant a Certificate of Lawfulness for the siting of a caravan/mobile home within the rear garden of the existing property for purposes incidental to the enjoyment of the dwellinghouse under Section 192 of the Town and Country Planning Act 1990 (as amended).

1.2 The Council refused to grant a Certificate of Lawfulness by Notice dated 26 April 2023 the following reason:

“In light of the failure by the speaker on behalf of the appellant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful.”

1.2 Following further legal advice sought by the Council, the Council will not be contesting this appeal.

1.3 This statement forms the background history of site for the Inspector’s information for an informed decision to be made.

2. Appeal Site and Surroundings

- 2.1 The appeal site hosts a two storey semi-detached dwellinghouse located on the western side of Leaves Green Crescent, Keston. The property is located within an area designated as Green Belt land.
- 2.2 The curtilage of No.5 includes a large parcel of land to the rear. This part of the appeal site, where the caravan would be located, had its permitted development rights for any buildings, structures, alterations, walls or fence removed in 1994 (planning ref. 94/00028/FUL). This area of land has an existing double garage associated with No.5. The approved building measures approximately 8m x 7.6m (60.8sqm)
- 2.3 It should also be noted that two Lawful Development Certificates were granted permission in 2021 (identical submission), for the erection of an outbuilding within the original garden of No.5 for use as a home office and gym, measuring 10m x 3.7m (37sqm)
- 2.4 A Lawful Development Certificate for a hip to gable loft conversion including rear dormer was also granted permission in 2023 to provide an additional bedroom and bathroom (4 bedrooms in total) measuring approximately 38.8cu.m.
- 2.5 The host dwelling measures approximately 140sqm over two floors (179,6sqm including the approved loft conversion)

3.0 Proposal

- 3.1 The appeal seeks a Lawful Development Certificate under Section 192 of the Town and Country Planning Act 1990 (as amended) for the siting of a caravan/mobile home.
- 3.2 The proposed mobile home would measure 18m in length and 6.7m in width and would have a total height of 3m with an eaves height of 2.4m. The proposed mobile home would be sited in the rear garden and would provide a hobby room (music/study), computer/digital mixing area, a bathroom and a store room.
- 3.3 The application was accompanied by a planning statement which states that ***“the caravan will be primarily used as a music/hobby room along with a store. It also has toilet facilities, to be connected to the existing drain via detachable pipes.*”**

The caravan will be used by members of the household incidental to their enjoyment of the house, using the path from the house.”

4.0 Planning history

4.1 The relevant planning history on the site can be summarised as follows:

4.2 Under planning reference 94/00028/FULL6 planning permission was granted for the change of use of the land from grazing land to land within the residential curtilage of No.4 Leaves Green Crescent, subject to conditions, and in particular Condition 1, which reads as follows:

“notwithstanding the provisions of the Town and Country General Development Order 1988 (or any Order amending revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind, other than those hereby permitted, shall be erected or carried out on the land the subject of this permission without the prior approval of the Local Planning Authority”.

4.3 Under planning reference 96/00714/FUL permission was granted for a detached double garage, subject to conditions, in particular Condition 3, which reads as follows;

“The garage shall only be used for purposes ancillary to the residential use of 4 Leaves Green Crescent and shall not be used for any commercial or other purpose.”

4.4 Under planning reference 19/05262/FULL6 permission was refused for an extension to the eastern end of an existing single storey detached double garage to incorporate a study and playroom. The reasons for refusal are as follows:

“The proposal would constitute inappropriate development in the Green Belt and would result in a detrimental impact on its openness and visual amenity with no very special circumstances demonstrated to outweigh the harm caused; thereby the proposal would be contrary to Policy 51 of the Bromley Local Plan.

The proposal, by reason of its size, layout, siting and detached position, is capable of being severed and used as a separate self-contained unit of accommodation and therefore does not represent an ancillary form of accommodation to the main dwelling, which would in turn result in a cramped form of development that would be out of character with the area and contrary to Policy 7 of the Bromley Local Plan.”

- 4.5 Under planning reference 20/00229/OPDEV an appeal was dismissed for the erection of an extension to the existing double garage and the erection of a single storey detached outbuilding.
- 4.6 Under planning reference 21/05110/PLUD a certificate was granted for a single storey outbuilding.
- 4.7 Under planning reference 21/05172/PLUD certificate was granted under appeal ref. 3291627 sought for the erection of an outbuilding comprising home office and gym.
- 4.8 Under planning reference 23/01539/PLUD certificate was granted for a hip to gable loft conversion including rear dormer with two front roof lights and eight front solar panels.
- 4.9 Under planning reference 23/02241/PLUD permission is pending consideration for the Siting of a caravan/ mobile home within the rear garden area of the existing property for purposes incidental to the enjoyment of the dwellinghouse. This application is identical to the appeal scheme, however information has been submitted in an attempt to address the concerns raised at Plans Sub Committee.

5.0 Planning Legislation

Section 55 of the Town and Country Planning Act 1990 (as amended).

- 5.1 According to Section 55 ***“development means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.”***
- 5.2 According to Section 55(2)(d) of the Town and Country Planning Act 1990 ***“the use of any buildings or other land within the curtilage of a dwellinghouse for any purposes incidental to the enjoyment of the dwellinghouse”***

Caravan Sites and Control of Development Act 1960 (“Act”)

- 5.3 The definition of a caravan, which includes a mobile home, as outlined within Section 29(1) of the Act states that a caravan is any structure designed or adapted for human

habitation which is capable of being moved from one place to another (whether by being towed or by being transported on a motor vehicle or trailer).

5.4 The Caravan Sites Act 1968 Section 13 - definition of twin unit caravans as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of Caravan) (Amendment) (England) Order 2006 provides as follows:

- (1) A structure designed or adapted for human habitation which:
 - (a) is composed of not more than two sections separately constructed and designed to be assembled on a site by means of bolts, clamps or other devices; and
 - (b) is, when assembled, physically capable of being moved by road from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer), shall not be treated as not being (or as not having been) a caravan within the meaning of Part 1 of the Caravan Sites and Control of Development Act 1960 by reason only that it cannot lawfully be so moved on a highway when assembled.
- (2) For the purposes of Part 1 of the Caravan Sites and Control of Development Act 1960, the expression "caravan" shall not include a structure designed or adapted for human habitation which falls within paragraphs (a) and (b) of the foregoing subsection if its dimensions when assembled exceed any of the following limits, namely:
 - (a) length (exclusive of any drawbar): 20 metres;
 - (b) width: 6.8 metres;
 - (c) overall height of living accommodation (measured internally from the floor at the lowest level to the ceiling at the highest level): 3.05 metres."

5.5 In order to assess whether a caravan is permitted at this location, two criteria have to be considered:

- whether the proposal is an operational development
- whether the proposal comprises a material change of use of the land

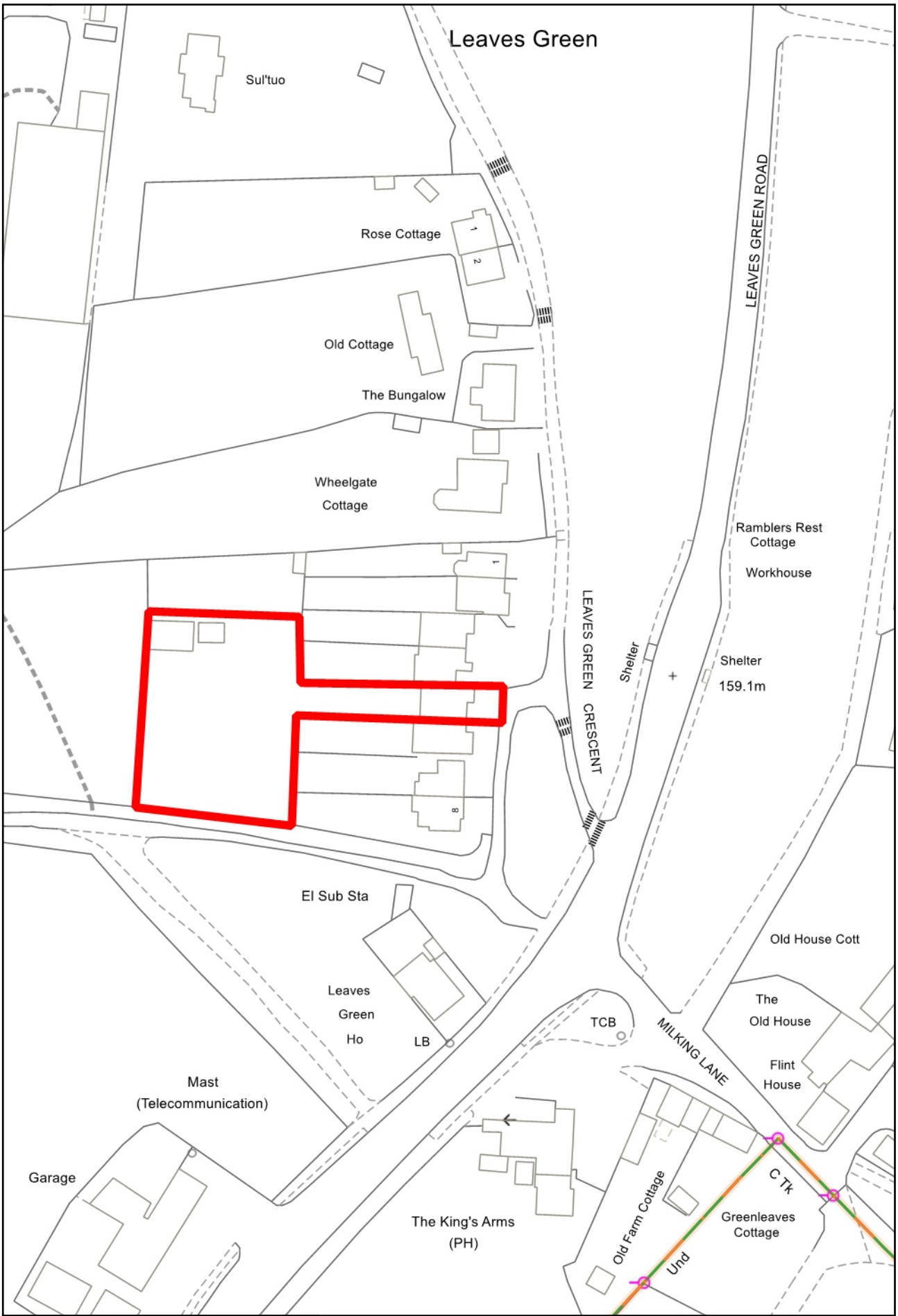
6.0 Main Submissions

6.1 The certificate was refused for the following reason:



“In light of the failure by the speaker on behalf of the appellant to confirm the applicant has a musical and computer/digital mixing hobby and the size of the caravan (absolutely and relative to the main dwelling), it is not considered that the caravan would be incidental to the enjoyment of the main dwellinghouse as such. Its siting would therefore be unlawful”

7.0 Conclusion

- 7.1 The Council considers that the proposal would not be classified as operational development under section 55 of the Act, given that the mobile home would continue to be a mobile and removable structure as indicated by the appellant.
- 7.2 The Council also considers that the proposal does not represent a material change of use of the residential curtilage land, given that there would be no subdivision of the residential curtilage and would be occupied by the same family providing incidental space to the main house, without providing a new, separate dwelling severed from the main house.
- 7.3 The appellant has submitted a further LDC application in which additional information has been provided, the Council's considers the additional information addresses, in the most part, the grounds of refusal. On the basis of this supporting evidence the Council no longer wishes to contest this appeal.



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 23/02241/PLUD - 5 Leaves Green Crescent, Keston, BR2 6DN 

03 January 2024

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Agenda Item 4.3

Committee Date	11.01.2024	
Address	17 Chesterfield Close Orpington BR5 3PG	
Application Number	23/03189/FULL6	Officer - Jennie Harrison
Ward	St Mary Cray	
Proposal	The proposed erection of a single storey rear extension, and the proposed erection of an out-building in the rear garden.(RETROSPECTIVE)	
Applicant	Agent	
Mr M. Newton	Mr Matthew Hardcastle	
17 Chesterfield Close Orpington BR5 3PG	Hardcastle Architects 33 Lockhurst Street Lower Clapton London E5 0AP United Kingdom	
Reason for referral to committee	Councillor call in	
	Call-In	Yes - Cllr Slator called in due to size and bulk being out of character and impact on no. 19

RECOMMENDATION	Permitted
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Renewal Area Smoke Control SCA 26</p>

Representation summary	Letters to neighbours were sent out on the 21.08.2023	
Total number of responses		1
Number in support		0
Number of objections		1

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would extend by 4.5m at the ground floor
- Height of the parapet wall is 3.3m
- Outbuilding is sited to the rear garden
- Materials would match the existing

2. LOCATION

2.1. The site hosts a two storey semi-detached dwelling which is situated on the western side of Chesterfield Close, Orpington.

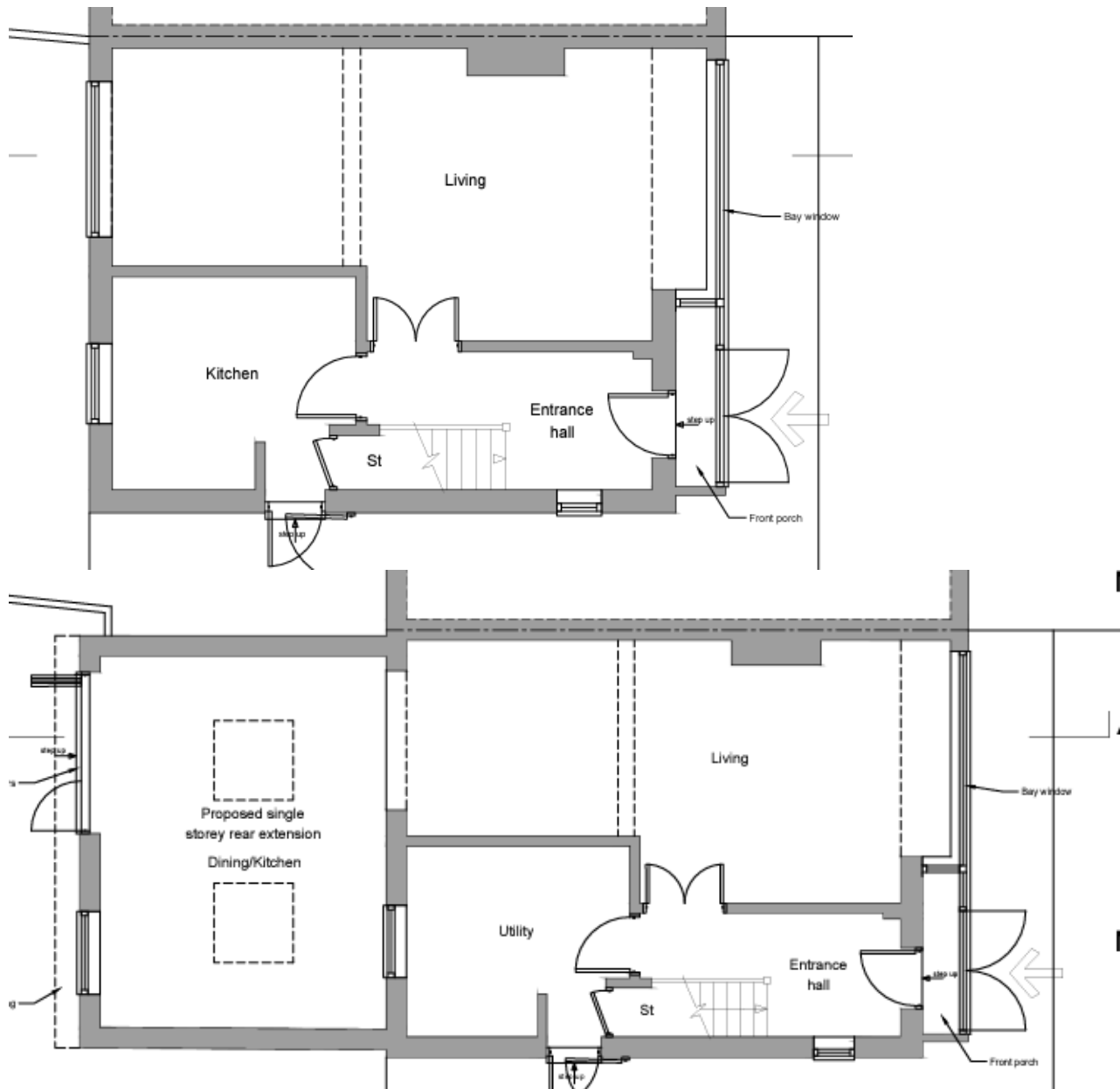
2.2. Location Plan:



3. PROPOSAL

3.1. Planning permission is sought retrospectively for a ground floor rear extension, that has a depth of 4.5m, a width of 6m and a height of 3.3m inclusive of the parapet wall.

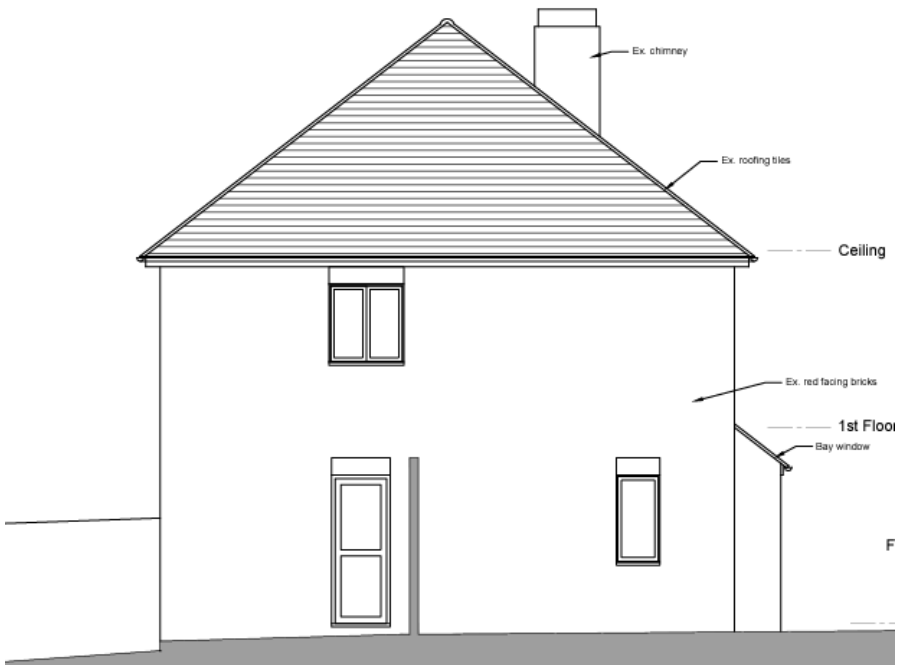
3.2. Pre-existing and existing ground floor plan:



3.3. Pre-existing and existing rear elevation:

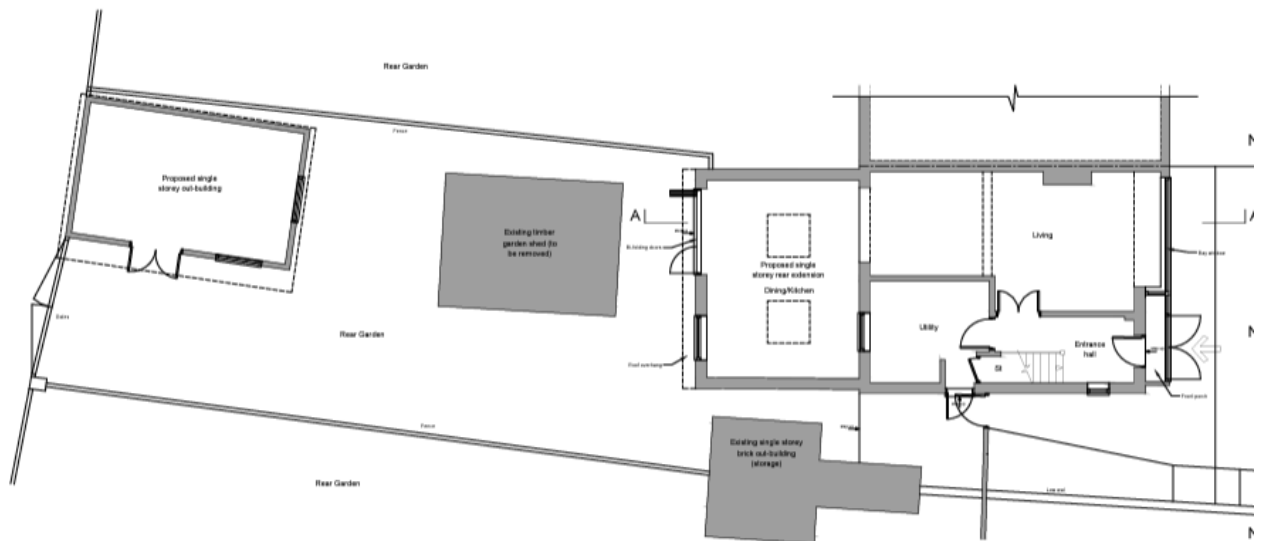


3.4. Pre-existing and existing side elevation:

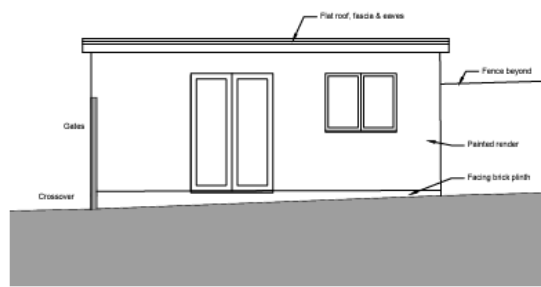




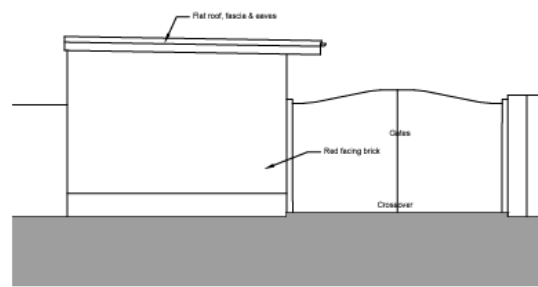
3.5 Outbuilding Location:



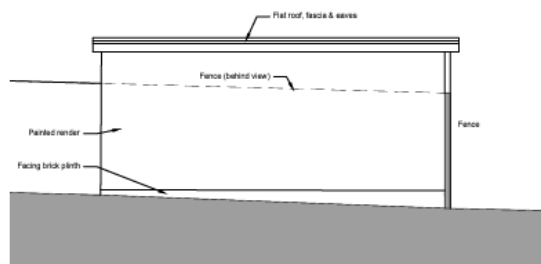
3.6 Outbuilding elevations:



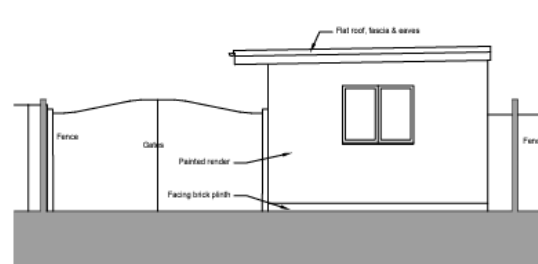
1 PROPOSED SOUTHEAST ELEVATION



2 PROPOSED SOUTHWEST ELEVATION



3 PROPOSED NORTHWEST ELEVATION



4 PROPOSED NORTHEAST ELEVATION

4. RELEVANT PLANNING HISTORY

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

4.2. 23/03180/PLUD - Proposed hip to gable loft conversion with rear dormer roof extension and front opening roof windows. **LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)** – Proposed use/development is lawful

5. CONSULTATION SUMMARY

A) Statutory

None were received.

B) Local Groups

None were received.

C) Adjoining Occupiers

Impact on neighbouring amenity

- Using the roof as a sitting out space
- Large wooden shed in the middle of the garden blocking light

- Loss of light to neighbouring patio

Drainage

- Drainage concerns due to drain being moved

Other Matters

- Building control application includes a loft conversion
- No structural engineer attended
- Damage was caused to neighbouring property
- Unsociable working hours
- Boundary dispute
- Unclear on the use of the outbuilding
- No party wall agreement
- Threats made to neighbour

6. POLICIES AND GUIDANCE

National Policy Framework 2023

NPPG

The London Plan

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

Bromley Local Plan 2019

- 6 Residential Extensions
- 37 General Design of Development

Bromley Supplementary Guidance

- Urban Design Supplementary Planning Document (July 2023)

7. ASSESSMENT

7.1. Design - Acceptable

7.1.1. 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.

- 7.1.2. London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.3. Policies 6 and 37 of the Bromley Local Plan and the Council's Supplementary Planning Guidance seek to ensure that new development, including residential extensions are of a high quality design that respect the scale and form of the host dwelling and are compatible with surrounding development.
- 7.1.4. The extension incorporates a flat roof, and whilst this does not reflect the character and appearance of the host dwelling this is not uncommon in a residential setting such as this, as such it is considered that there would be no significant detrimental impact on the character and appearance of the host dwelling.
- 7.1.5. The proposal incorporates matching materials and this would help to maintain the character and appearance of the host dwelling.
- 7.1.6. The rear extension is not visible from the front of the dwelling and as such would have a negligible impact on the character and appearance of the street scene. The rear of the property adjoins Wotton Green, and as such the extension is visible from the road, however it is considered that the scale and siting is appropriate for this residential area.
- 7.1.7. The outbuilding is sited at the rearmost part of the garden, due to the siting and scale of the outbuilding it is considered that there would be no significant harm to the character and appearance of the host dwelling or wider area.
- 7.1.8. Having regard to its scale, siting and appearance, the proposal would complement the host property and would not appear out of character with surrounding development or the area generally.

7.2. Neighbourhood Amenity – Acceptable

- 7.2.1. 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.
- 7.2.2. Whilst it is noted that neighbours have raised concern about the impact of the rear extension, it is considered that, on balance, the rearward projection together with the height of the parapet wall, would have no significantly detrimental impact on neighbouring amenity.
- 7.2.3. Concerns were also raised about the temporary structure in the middle of the garden, this application does not include the structure in the garden (the plans

indicate that it is to be removed) and as such this cannot be assessed as part of the scheme, and should permission be forthcoming, this should be referred back to enforcement to seek removal of the structure, or to apply for permission for this.

7.2.4. Concerns were also raised in regards to the flat roof of the rear extension being used to sit out on, and should permission be forthcoming, a condition should be added to prevent use of this flat roof for sitting out.

7.2.5. Having regard to the scale and siting of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect or privacy would arise.

7.3. Other Matters – Acceptable

7.3.1. Neighbours have raised concerns in regards to several other issues including the party wall, working hours, and conduct of workers and residents of the property, however these do not fall within the remit of planning and cannot be considered as part of this application.

8. CONCLUSION

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

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

RECOMMENDATION:

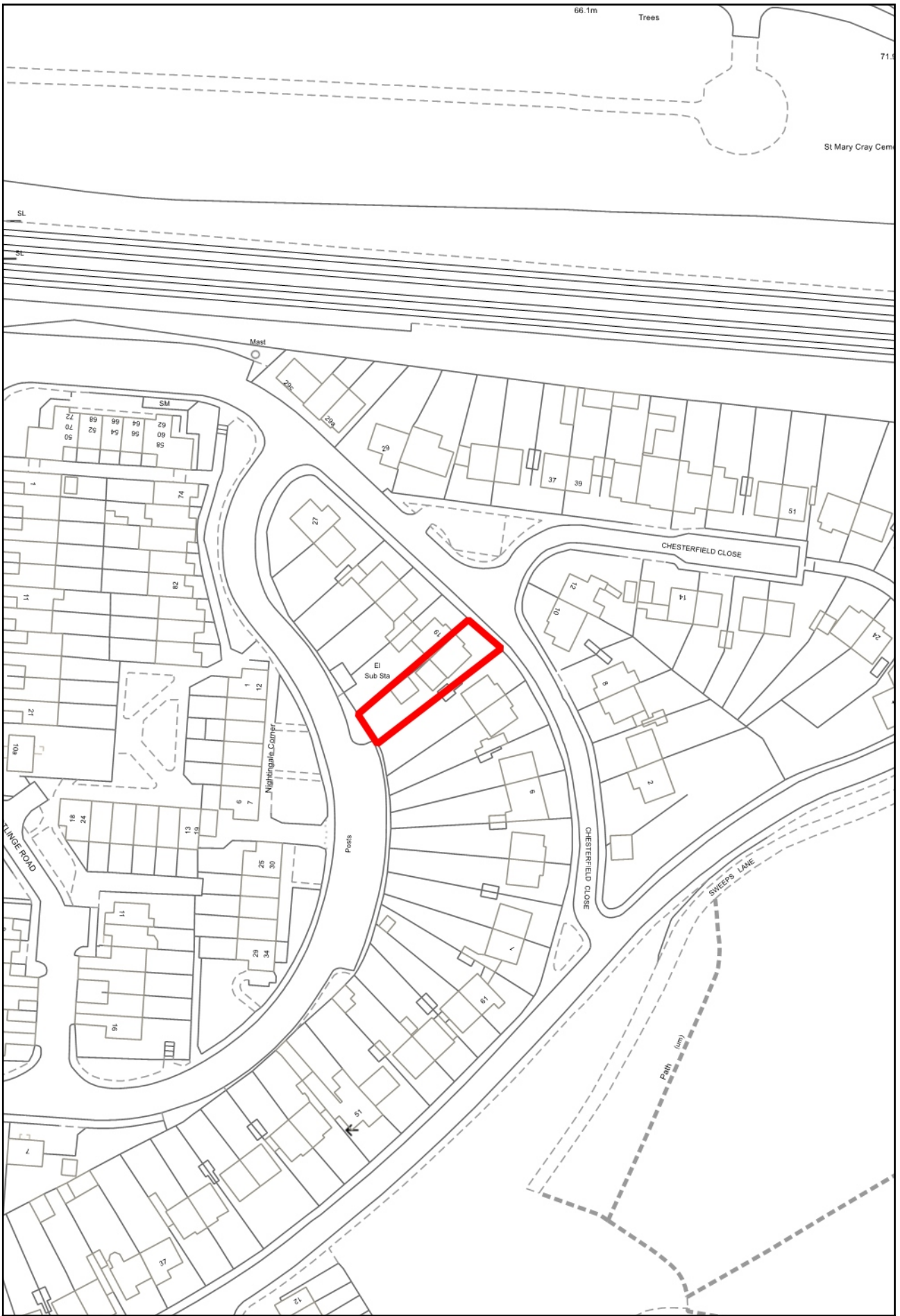
Application Permitted

Subject to the following conditions:


- 1. Retain in accordance with the plans**
- 2. Flat roof not to be accessed**

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

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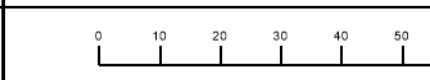
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 **23/03189/FULL6**



02 January 2024

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Agenda Item 4.4

Committee Date	11.01.2024	
Address	The Roses Kemnal Road Chislehurst BR7 6LT	
Application Number	23/03765/FULL6	Officer - Gill Lambert
Ward	Chislehurst	
Proposal	Garage conversion into habitable room. Construction of a part one/two storey side/rear extension.	
Applicant	Agent	
Mr & Mrs Mothersole	Mr Sanjay Kanadia	
The Roses Kemnal Road Chislehurst BR7 6LT	260 Sherwood Park Avenue Sidcup DA159JN	
Reason for referral to committee	Councillor call in	
Side space	No	

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Conservation Area: Chislehurst Biggin Hill Safeguarding Area London City Airport Safeguarding Open Space Deficiency Smoke Control SCA 16 Tree Preservation Order</p>

Representation summary	Neighbour letters were sent 19/10/23 A Statutory site notice was displayed at the site between 2.10.23 – 10.11.23
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Total number of responses	1 (neutral)
Number in support	0
Number of objections	0

1 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposals would not result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area, subject to safeguarding conditions
- The development would not result in a harmful impact on the character and appearance of Chislehurst Conservation Area
- The development would not adversely affect the amenities of neighbouring residential properties
- The development would have no adverse impact on parking provision or conditions of highway safety.

2 LOCATION

2.1 This detached two storey dwelling occupies a corner site at the junction of Kemnal Road and Dickens Drive, and is located within Chislehurst Conservation Area. The site is covered by a blanket TPO made in the 1970s.

2.2 The surrounding area is characterised by a mixture of detached dwellings and large flatted developments set within spacious grounds.





3 PROPOSAL

- 3.1 It is proposed to convert the existing side garage into habitable accommodation, and construct a part one/two storey side/rear extension which would abut the side boundary with Middlemarch and would project between 1-2m to the rear at ground floor level only.
- 3.2 The first floor element of the proposals would be set back 0.8m from the front elevation of the dwelling, and 1m from the side boundary, and the roofline would be 0.4m lower than the main roof ridge.
- 3.3 The single storey rear extension would be triangular in shape but it would have a deeper rectangular canopy over it which would project between 2-3m to the rear.
- 3.4 The application was supported by the following documents:
 - Arboricultural Impact Assessment and Method Statement

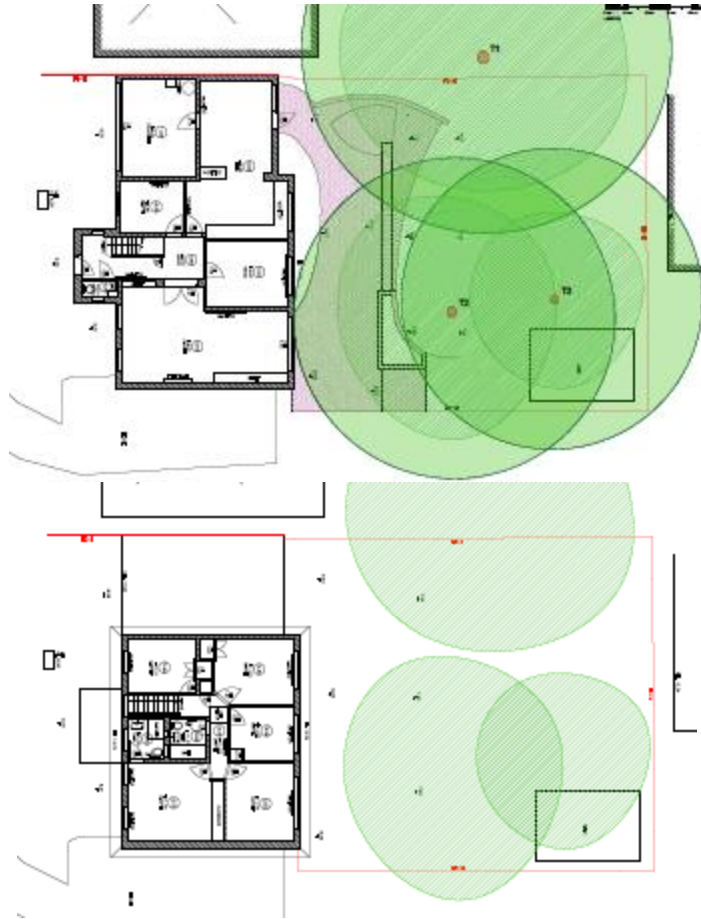


Figure 1 – Existing floor plans



Figure 2 – Proposed floorplans



Figure 3 - Existing front and rear elevations



Figure 4 – Proposed front and rear elevations

4 RELEVANT PLANNING HISTORY

- 4.1 The relevant planning history relating to the application site is summarised as follows:
- 4.2 Permission was granted in 2001 (ref.00/03519/FULL1) for a single storey rear extension.
- 4.3 Retrospective permission was granted in 2009 (ref.09/02001/FULL6) for front entrance gates with metal railings and pillars (maximum height 2.1m).
- 4.4 Permission was refused in January 2015 (ref.14/04431) for a side and rear boundary wall/fence with a maximum height of 2.5m on the following grounds:

“The proposed boundary wall and fence would, by reason of its size, height and siting at the back edge of the footway, have a seriously detrimental impact on the character and open-plan nature of this part of Chislehurst Conservation Area, thereby contrary to Policies BE1, BE7 and BE11 of the Unitary Development.”

4.5 Permission was granted in August 2015 (ref.15/02931/FULL6) for the replacement of the rear boundary wall to the north and west.

4.6 Permission was refused in August 2022 (ref.21/04873/FULL6) for the demolition of the existing garage and the erection of a part one/two storey side/rear extension with elevational alterations on the following grounds:

“The proposals would result in unacceptable harm to trees on the site which are considered to be of significant value to Chislehurst Conservation Area, thereby contrary to Policies 43 and 73 of the Bromley Local Plan.”

4.7 The subsequent appeal was dismissed in February 2023 on grounds relating to the unacceptable risk of harm to the protected trees which, if realised, could result in the loss or premature decline, or damage to at least one of the three protected trees. Due to their size and value, this was considered to be to the detriment of the significant and positive contribution they make, both individually and as part of a group, to the wider wooded character and appearance of the Conservation Area.

4.8 Permission was refused in June 2023 (ref.23/01103/FULL6) for the same scheme but with additional tree information provided on the following grounds:

“The proposals would result in unacceptable harm to valuable trees on the site which are considered to be of significant public amenity value to the Chislehurst Conservation Area, and it would thereby fail to respect and incorporate into the design, existing landscape features that contribute to the character and appearance of Chislehurst Conservation Area contrary to Policies 37, 41, 43 and 73 of the Bromley Local Plan 2019.”

5 CONSULTATION SUMMARY

A) Statutory/Non-Statutory

Conservation – No objections

This modern house is of low significance in the Conservation Area, and the proposals represent an acceptable level of subservience within the Conservation Area setting. No objections are therefore raised from a heritage viewpoint.

Highways – No objections

The proposal will remove the existing garage. However, there is parking for a number of vehicles available on the frontage, and no highways objections are therefore raised to the proposals.

Given the status of Kemnal Road as an unadopted street, informatives are suggested to protect the condition of the relevant section of the road, and the requirement to obtain the agreement of the owner(s) of the sub-soil upon which Kemnal Road is laid out.

Trees – No objections

The reduced rear extension largely addresses the tree objections to the previous application. The Arboricultural Report has not been updated and shows the footprint of the previous proposal, therefore, a condition requiring the submission of a revised Arboricultural Method Statement and tree protection plan is recommended.

B) Adjoining Occupiers

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

Local Groups (The Chislehurst Society)

- The Council should check the arboricultural impact of this extension, as it would appear that the tree report has not changed since the last application.

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 updated in December 2023, and is a material consideration.

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.

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

The London Plan

- D1 London's form and characteristics
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- HC1 Heritage conservation and growth

T6 Car parking

Bromley Local Plan 2019

6	Residential Extensions
8	Side Space
30	Parking
37	General Design of Development
41	Conservation Areas
43	Trees in Conservation Areas
73	Development and Trees
123	Sustainable Design and Construction

Supplementary Planning Guidance

Bromley Urban Design Guide SPD (2023)
Chislehurst Conservation Area SPG

7 ASSESSMENT

7.1 Resubmission

7.1.1 The current proposals differ from the previously refused schemes in that the single storey rear extension has been reduced in depth by between 1.3-2.3m.

7.2 Design and Heritage Impact – Acceptable

7.2.1 The NPPF sets out in section 16 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

7.2.2 Paragraphs 202 and 203 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

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

- 7.2.4 Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.
- 7.2.5 Policy 41 of the Bromley Local Plan (BLP) requires development in a conservation area to preserve and enhance its characteristics and appearance by:
- (1) Respecting or complementing the layout, scale, form and materials of existing buildings and spaces;
 - (2) Respecting and incorporating in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and
 - (3) Using high quality materials.
- 7.2.6 Policies 6 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.
- 7.2.7 Policy 8 of the BLP requires a minimum separation of 1m to be retained to the flank boundaries of the site in respect of two storey development for the full height of the extension.
- 7.2.8 As with the previous scheme, the proposed part one/two storey side/rear extension would extend up to the boundary at ground floor level, and would not therefore comply with the Council's side space policy. However, the first floor element would be set back 1m from the side boundary, and given that it would also be set back 0.8m from the front façade and would have a lowered roofline, it would result in a subservient appearance. The proposals are not therefore considered to detract from the appearance of the dwelling nor appear unduly cramped within the street scene.
- 7.2.9 This modern house is of low significance in the Conservation Area, and the subservient design of the proposed extension is considered to preserve the character and appearance of Chislehurst Conservation Area. The Inspector in the previous appeal agreed with this assertion.
- 7.2.10 The impact of the proposals on protected trees in the Conservation Area is discussed in the Trees section below.

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 The proposed single storey rear extension would now project only slightly beyond the rear of the adjacent dwelling at Middlemarch to the south which is set at a slightly higher level. Given the orientation and modest depth of the extension, it is not considered to result in a significant loss of light to or outlook from the adjacent property.
- 7.3.3 No windows are proposed in the southern flank elevation of the extension facing Middlemarch, and the proposals would not therefore result in any undue overlooking of the neighbouring property.
- 7.3.4 Having regard to the scale, siting, separation distance, orientation and existing boundary treatment of the development, it is not considered that a significant loss of amenity with particular regard to light, outlook, prospect and privacy would arise.

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 No highways objections are raised to the proposals.

7.5 Trees - Acceptable

- 7.5.1 Policy 43 of the Bromley Local Plan resists development where it would damage or lead to the loss of one or more significant and/or important trees in a Conservation Area unless:
- (a) Removal of the tree(s) is necessary in the interest of good arboricultural practice, or
 - (b) The benefit of the development outweighs the amenity value of the tree(s).

7.5.2 In the previous appeal, the Inspector considered that the proposals would have an unacceptable risk of harm to the protected trees which, if realised, could result in the loss or premature decline, or damage to at least one of the three protected trees. Due to their size and value, this was considered to be to the detriment of the significant and positive contribution they make, both individually and as part of a group, to the wider wooded character and appearance of the Conservation Area.

7.5.3 The revised scheme, which includes the reduction in the depth of the single storey rear extension, has now overcome the previous concerns raised about the impact on protected trees on the site, subject to safeguarding conditions.

8 CONCLUSION

8.1 Having had regard to the above it is considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character and appearance of Chislehurst Conservation Area, or on protected trees on the site. No adverse impact on parking provision or conditions of highway safety are anticipated to arise.

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

RECOMMENDATION: PERMISSION BE GRANTED

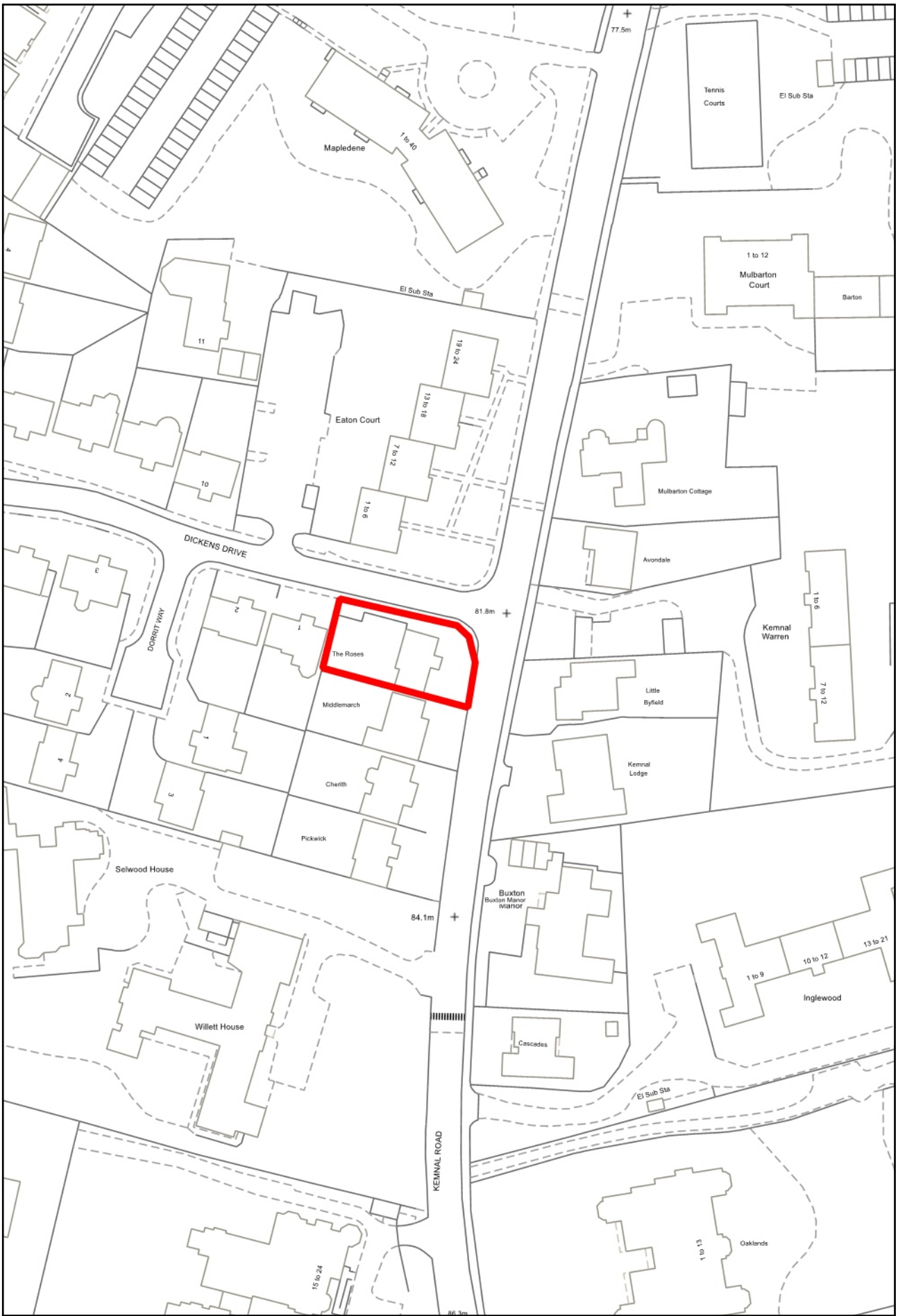
The following conditions are recommended:

- 1. Standard time limit of 3 years**
- 2. Standard compliance with approved plans**
- 3. Arboricultural Method Statement and Tree Protection Plan**
- 4. Matching materials**


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

The following Informative is recommended:

Given the status of Kemnal Road as an unadopted street, you are advised that the condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development. You are also advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for you to obtain the agreement of the owner(s) of the sub-soil upon which Kemnal Road is laid out.



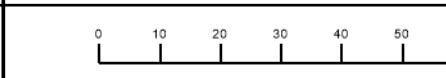
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 23/03765/FULL6



02 January 2024

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Agenda Item 4.5

Committee Date	11.01.2024	
Address	150 Kingsway Petts Wood Orpington BR5 1PU	
Application Number	23/03919/FULL6	Officer - Robin Evans
Ward	Petts Wood and Knoll	
Proposal	Erection of brick piers and gates and fence around existing highway boundaries. (RETROSPECTIVE). (Amended description).	
Applicant	Agent	
Liu		
150 KINGSWAY PETTS WOOD ORPINGTON Bromley BR5 1PU United Kingdom		
Reason for referral to committee	Call-In	Councillor call in
	Call-In	Yes – Cllr Onslow – character and appearance, landscaping and ASRC.

RECOMMENDATION	Application Permitted
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<p>KEY DESIGNATIONS</p> <p>Article 4 Direction Area of Special Residential Character Biggin Hill Safeguarding Area London City Airport Safeguarding Smoke Control SCA</p>
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Representation summary	Neighbour letters sent 21.11.2023 and 15.12.2023 (amended plans and description).	
Total number of responses	1	
Number in support	0	
Number of objections	1	

1.0 SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not impact detrimentally on the character of the area
- The proposal does not result in a significant loss of amenity to local residents
- There would be no other adverse impacts.

2.0 LOCATION

- 2.1 The application site is No. 150 Kingsway Petts Wood, a detached two storey dwelling, located at the junction of Kingsway and Towncourt Crescent. According to site observations the application site boundary to Kingsway was formed of trees/hedge vegetation including laurel a single pedestrian gate set into the hedge in front of the dwelling and two sets of wrought iron gates offset to one side of the dwelling, including a pedestrian gate, and to the side of the dwellinghouse with a stretch of hedge in between and the highway boundary to Towncourt Crescent was formed of a low brick wall (less than 0.5m high) and trees/hedge vegetation including laurel. As set out in the planning history planning permission was granted to remove the hedge and to erect a railing in between the two sets of gates (22/02726/FULL6). Since then, the Applicant has erected a 1.8m high close boarded fence along the length of the highway boundary in Towncourt Crescent and around the corner into Kingsway and approximately 2m high brick wall/piers containing a 2m high pedestrian garage in part of the hedge in front of the dwellinghouse, to the side of the wrought iron vehicle gates. Highway boundaries nearby in Kingsway include some low walls and hedges and boundaries nearby in Towncourt Crescent include some lower brick walls and some higher brick walls and close boarded fences.
- 2.2 The site lies within the Petts Wood Area of Special Residential Character (ASRC). According to the Bromley Local Plan Appendix 10.6 the Petts Wood ASRC has an open, suburban and semi-rural feel, predicated by low boundaries and visible front gardens set back from the road as well as the width of the separation between the houses which is of a particularly high standard. This allows many of the trees and greenery which prevail throughout the area to be seen from the street. Large rear gardens also provide the area with a high level of amenity. The plot sizes, the alignment of the houses to the Garden Suburb principle underline the character, rhythm, symmetry and spatial standards of the ASRC.
- 2.3 The area is subject to an Article 4 Direction restricting the erection or construction of a gate, fence, wall or other means of enclosure, being development comprises within Class A of Part 2 of Schedule of the GPDO 1995 as amended.

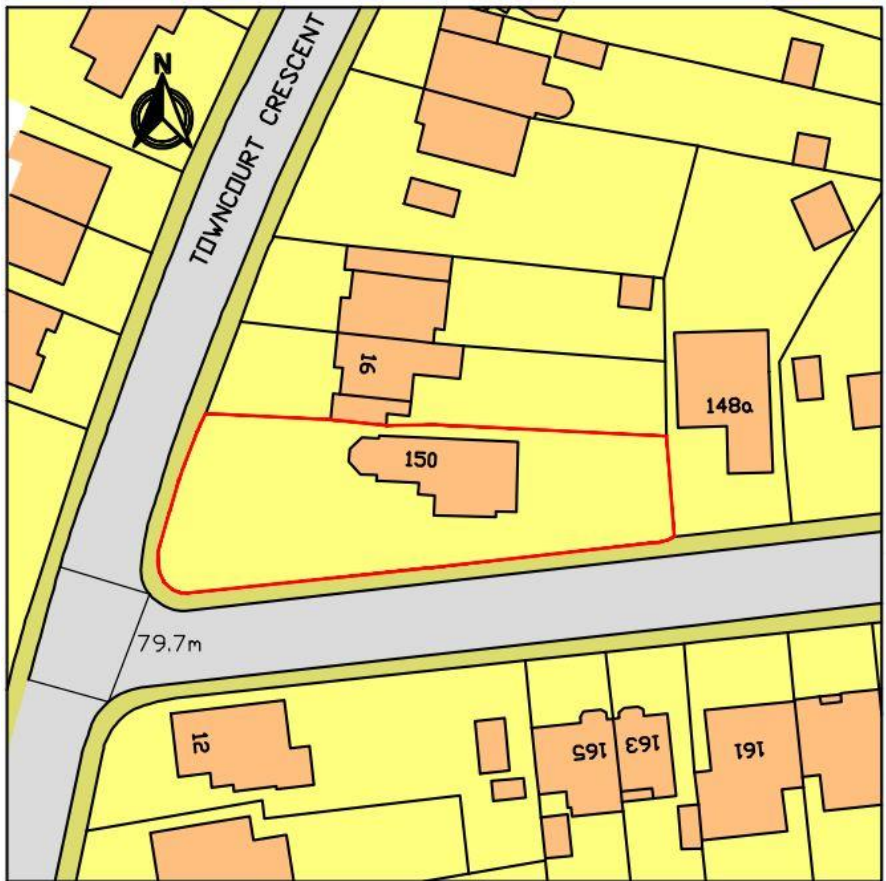


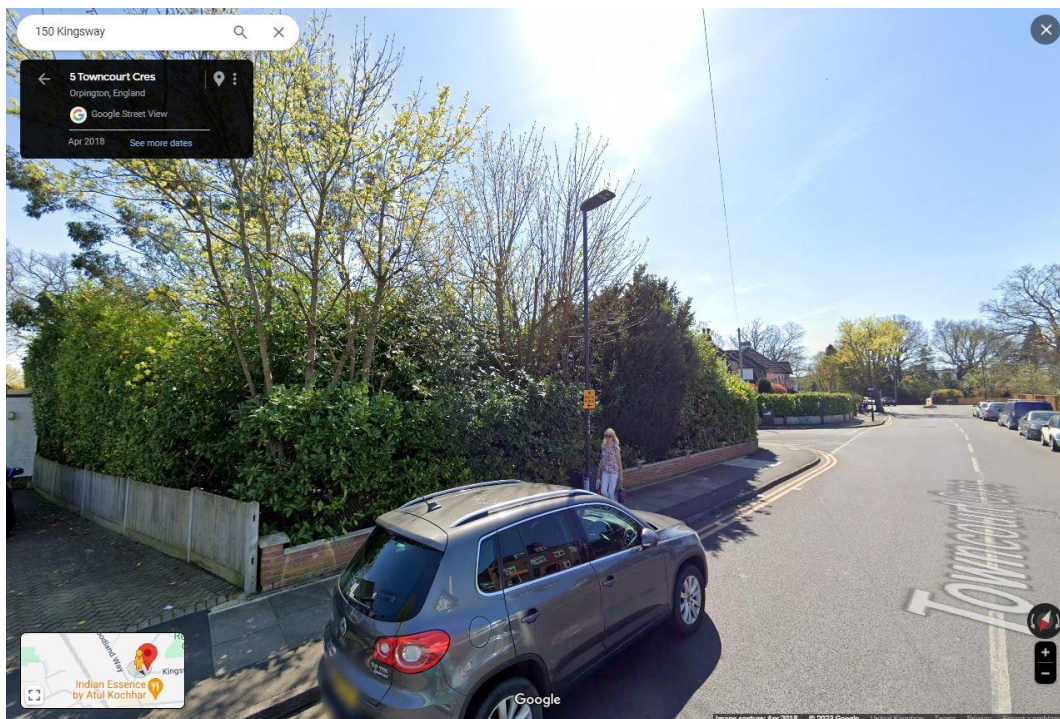
Fig 1 Site location plan.



Photograph 1. Previous 150 Kingsway boundary (circa April 2018).



Photograph 2. Previous 150 Kingsway/Towncourt Crescent boundary (circa April 2018).



Photograph 3. Previous Towncourt Crescent boundary (circa April 2018).

3.0 PROPOSAL

- 3.1 Planning permission is sought retrospectively for erection of brick piers and gates and fence around existing highway boundaries.

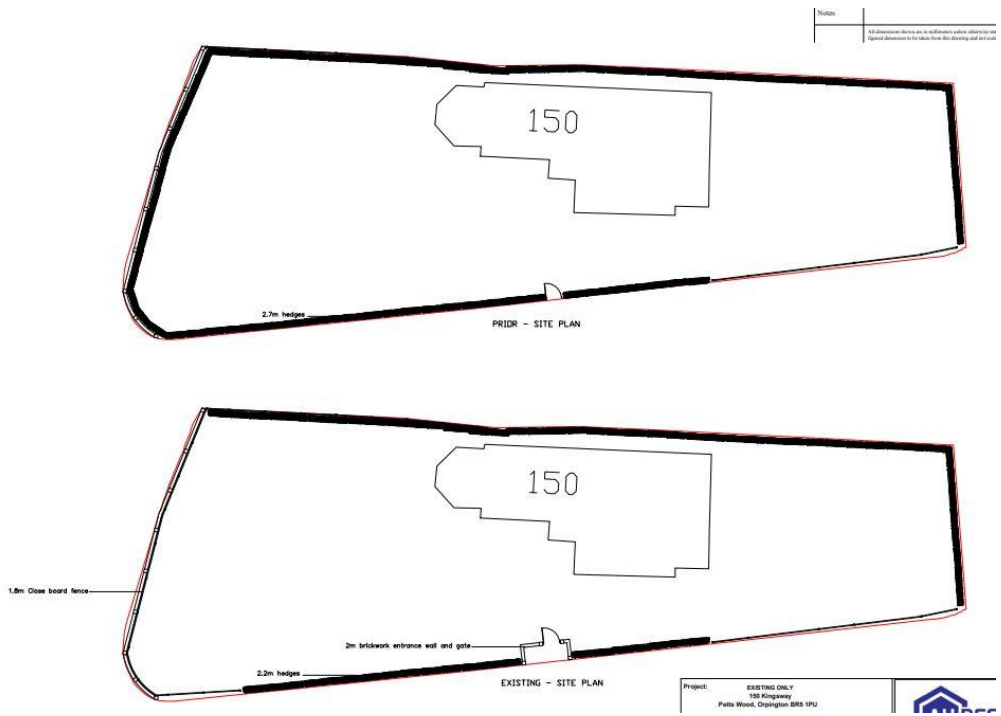


Fig 2. Previously existing and currently existing site layout.

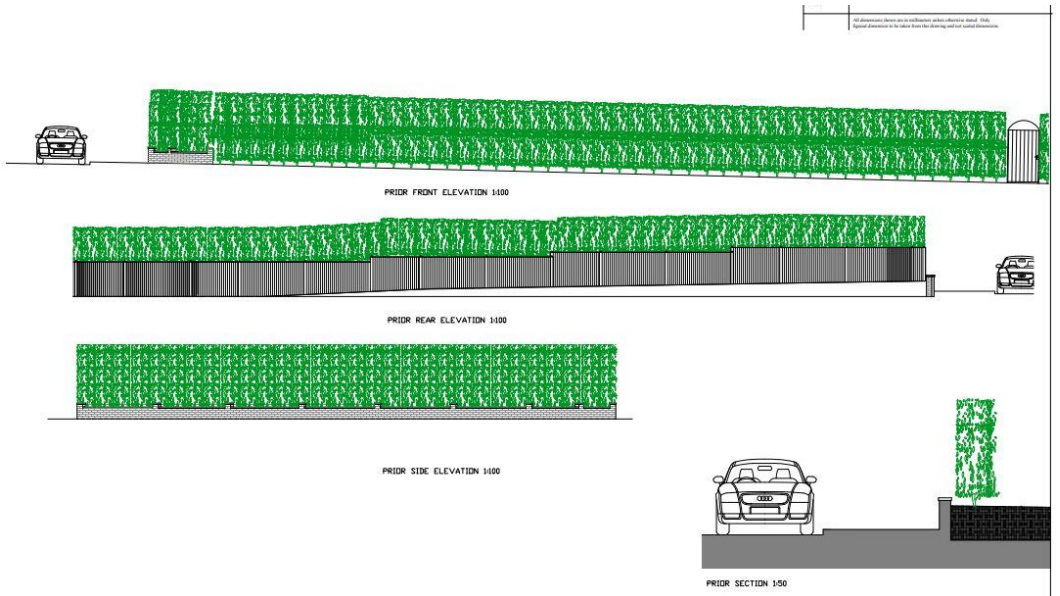


Fig 3. Previously existing elevations.

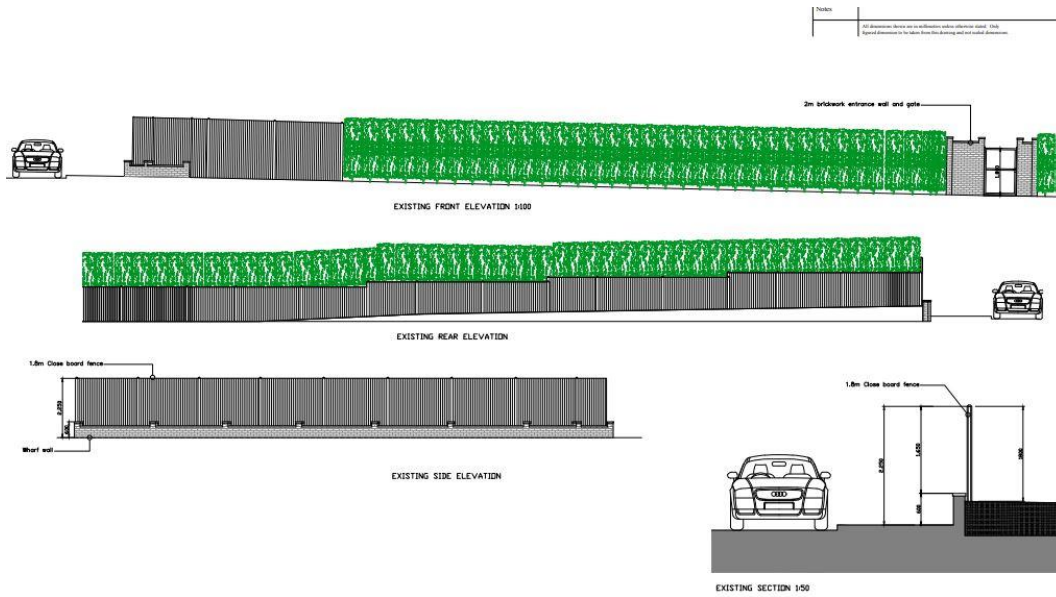


Fig 4. Currently existing elevations.



Photograph 4. From Kingsway looking northwest towards No. 150 and approved vehicular gates and railings (05/00321/FULL6 and 22/02726/FULL6).



Photograph 5. From Kingsway looking northeast towards No. 150 and proposed brick piers and pedestrian gate.



Photograph 6. From Towncourt Crescent looking northeast towards junction with Kingsway.



Photograph 7. From Towncourt Crescent looking east towards junction with Kingsway.



Photograph 8. From Towncourt Crescent looking south towards 150 Kingsway.

4.0 RELEVANT PLANNING HISTORY

There is extensive planning history mostly relating to house extensions and the most relevant to this proposal is summarised as follows:

- 4.1 05/00321/FULL6 – Installation of two sets of iron railing gates on Kingsway frontage was granted planning permission on 16.03.2005.
- 4.2 22/02726/FULL6 – Replacement of boundary treatment between two sets of existing iron railing gates and pedestrian gates (permitted under Ref. No. DC/05/00321/FULL6), consisting of 2m high iron railings was granted retrospective planning permission on 09.12.2022.
- 4.3 Other history
- 4.4 1 Towncourt Crescent
12/03591/FULL6 – Boundary fence fronting Towncourt Road and Woodland Way (RETROSPECTIVE APPLICATION) was approved on 23.01.2013. The Council's report acknowledges that whilst noticeably higher than the former fencing, the current enclosure does not appear out of character with ASRC or have a harmful impact upon neighbouring residential amenities. The height is a continuation of the existing brick wall that serves the boundary closer to the property at the north of the garden whilst planting has been retained. The low fence to the apex of the junction has retained some small vegetation and serves to soften the impact of the fencing. As such it is considered that the fencing as erected is acceptable.

5.0 CONSULTATION SUMMARY

A) Statutory

- 5.1 Highway Department: The gates/pillars and fence should not obstruct the sightlines of drivers exiting Kingsway on to Towncourt Crescent and should therefore provide

appropriate visibility and this could be managed by planning condition. No objection in principle subject to recommended conditions.

B) Local Groups

- 5.2 Petts Wood and District Resident's Association (PWDRA)
Design and landscaping (addressed in Section 7.1)
- Application site lies within the Petts Wood Area of Special Residential Character (ASRC) and close to the Station Square Conservation Area,
 - Application site is on a prominent corner at the junction of Kingsway and Towncourt Crescent,
 - Loss of mature/established laurel hedge,
 - Fence erected in breach of planning control and Article 4 direction, without planning permission,
 - The 2.1m high boundary fence has a stark appearance and conflicts with the prevailing character boundary character in Petts Wood for low boundaries and visible front gardens within an open, suburban and semi-rural feel,
 - The constructed walls and gates at the main entrance are excessive in height and overly solid in construction and materials and have an urbanising appearance,
 - The front garden is no longer visible contrary to the ASRC,

C) Adjoining Occupiers

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

6.0 POLICIES AND GUIDANCE

6.1 National Policy Framework 2023

6.2 NPPG

6.3 The London Plan 2021

- D1 London's form, character and capacity for growth
- D4 Delivering good design

6.4 Bromley Local Plan 2019

- 37 General Design of Development
- 44 Areas of Special Residential Character
- 73 Development and Trees

6.5 Bromley Supplementary Guidance

- Urban Design Supplementary Planning Document (Bromley, 2023)

7.0 ASSESSMENT

7.1 Design and landscaping – Acceptable

- 7.1.1 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.
- 7.1.2 NPPF paragraph 131 states that the creation of high quality, beautiful and sustainable 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.
- 7.1.3 NPPF paragraph 135 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.
- 7.1.4 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.
- 7.1.5 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.
- 7.1.6 London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.
- 7.1.7 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.

- 7.1.8 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.
- 7.1.9 There is a range of boundary types and treatments in the immediate locality of the application site including mostly low walls and hedges. Some of the corner plots in particular include higher walls or close boarded fences such as at No. 1 and 12 Towncourt Crescent.
- 7.1.10 The in the Council's report for the previously approved extension to the railings (22/02726/FULL6) it was noted that the railings would match the height and the appearance of the existing gates and that despite the 2m height their open design would continue to allow views through to the front of the property, maintaining a sense of openness and visibility to the front of the property. The constructed fence runs along the Towncourt Crescent boundary and around the corner into Kingsway and it consequently is visible from viewpoints along this boundary and in this corner position. It is noted that the laurel hedge around this boundary is also solid and tall measuring at least 2m-2.5m in places and it does not allow views through and into the property although the property can be viewed above the top of the hedge particularly from within Kingsway. Although the fence has a more solid construction than the hedge and also does not allow views in or through, this is similar to the function of the hedge. Furthermore, the existing hedge is retained above the fence, and this softens its appearance. Although a hedge cannot be protected by Tree Preservation Order the retention of the hedge could be sought through landscaping scheme secured by planning condition. The fence could also be painted or stained as in the case of No. 12 Towncourt Crescent to further soften its appearance in the street scene. There are some other higher fences in the close vicinity also at corner plots and were assessed on their merits and considered to be acceptable in those situations.
- 7.1.11 As such although higher fences are not a prevailing feature in the wider area they are more common at corner plots and in this particular case the extent of the fence is not excessive and is softened by the hedge/vegetation and its external finish could be treated. It is also the case that the area to the west of the dwelling functions as a private garden area, where it is a reasonable expectation to have a higher form of enclosure for privacy.
- 7.1.12 The constructed brick walls/piers are perpendicular to the highway which reduces their prominence and they are not excessive in width or height. The pedestrian gate that they support is in the same position as the former wrought iron gate in this location and again is not excessive.
- 7.1.13 Overall, the development does not detract from the character and appearance of the site and its setting within the Area of Special Residential Character.

7.2 Neighbouring amenity – Acceptable

7.2.1 Policies 4, 6 and 37 of the Bromley Local Plan seek to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

7.2.2 Although the constructed boundary treatments are visible from some of the nearest neighbouring properties they are sufficiently well separated from them combined with their general scale and height that they do not have a significantly harmful effect on their outlook or natural day/sunlight.

7.3 Highways – Acceptable

7.3.1 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.

7.3.2 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.

7.3.3 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.

7.3.4 The piers/gates and fence does not project beyond the existing boundary envelope, however the Council's Highway Department requests confirmation that the development would not obstruct the sightlines of drivers exiting Kingsway on to Towncourt Crescent and should therefore provide appropriate visibility and this could be managed by planning condition. There is no objection in principle subject to recommended conditions.

8.0 CONCLUSION

8.1 Having regard to the above it is considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the area, it does not result in a significant loss of amenity to local residents nor other adverse impacts. Although the enclosure is higher than boundary enclosures generally found elsewhere in the ASRC, this is a corner property which has for some time been characterised by a substantial hedge, which albeit of softer visual impact than the fence for which permission is now sought resulted in a similar sense of enclosure in the street scene. Overall, it is not considered that the fence would in this particular case result in an unacceptable impact on the character and appearance of the ASRC, over and above the existing situation.

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

RECOMMENDATION: Application Permitted

Subject to conditions:

Compliance with the approved details

Submission of materials (finish of fence)

Submission of landscaping scheme (retention of hedge and/or replanting)


Submission of highway visibility splays

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

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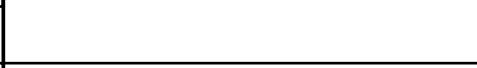
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 23/03919/FULL6
The council's website is www.bramley.gov.uk



02 January 2024

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Agenda Item 4.6

Committee Date	11.01.2024	
Address	Ribble Hurst 45 The Avenue Beckenham BR3 5EF	
Application Number	23/04047/NDFLAT	Officer - Susanna Stevenson
Ward	Beckenham Town And Copers Cope	
Proposal	Proposed construction of additional floor with flat roof to provide 2 additional flats (2 no. 2 bedroom units) with associated landscaping works, 2 no. car parking spaces, refuse store and cycle storage lockers (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order, 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms, impact on existing and neighbouring residential amenities and impact on protected views).	
Applicant	Agent	
Mr Sharif Uddin	Mr Ciaran Treanor	
Ribble Hurst 45 The Avenue Beckenham BR3 5EF	63 Rivington Street London EC2A 3QQ	
Reason for referral to committee	Councillor call in	
	Call-In	Councillor Tickner and Councillor Ross Reasons: Impact on neighbouring amenity, character and appearance. Lack of parking.

RECOMMENDATION	Prior Approval be Granted
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KEY DESIGNATIONS

Article 4 Direction
 Biggin Hill Safeguarding Area
 London City Airport Safeguarding
 Smoke Control SCA 12

Views of Local Importance

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	Residential (use Class C3)	0 (not including lower floors)
Proposed	Residential (use Class C3)	122 sqm

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

	Number of bedrooms per unit				
	1	2	3	4 Plus	Total
Market		2			2
Total		2			2

Vehicle parking	Existing number of spaces	Total proposed including spaces retained	Difference in spaces (+ or -)
Standard car spaces	6	8	+2
Disabled car spaces	0	0	0
Cycle	0	4	+4

Electric car charging points

0

Representation summary	Neighbouring residents were notified of the application by letter dated 25 th October 2023. Part 20 Prior Approval site notice displayed on site on 25 th October 2023.	
Total number of responses	9	
Number in support	1	
Number of objections	8	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The application for the erection of a one storey roof extension to provide 2 no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended)
- Officers raise no objections to the proposal on the grounds of consideration as detailed in this report and in context with the provisions of the GPDO.

2. LOCATION

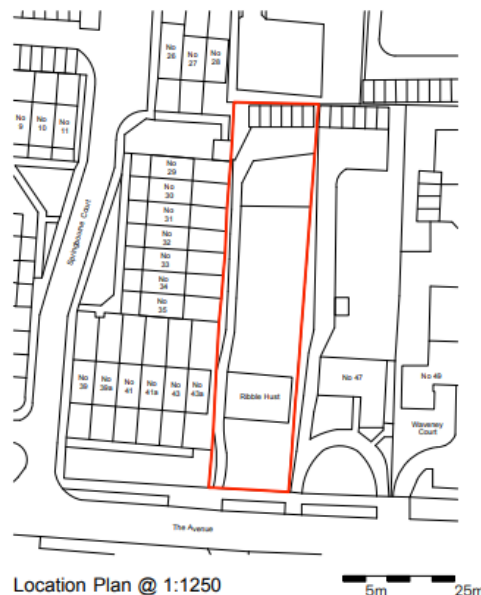


Figure 1 - Location

- 2.1 The application site lies on the northern side of The Avenue and hosts a detached three storey block of flats.



Figure 2 - Photograph of front of site

- 2.2 At the furthest rear of the application site is a concreted garage area, accessed via a track leading to the western side of the main building. Rear amenity space is provided between the garage area and the building and the building is set generously back from the front boundary of the site although it lies slightly forwards of the terrace to the west and more significantly forward of No. 47 to the east.
- 2.3 The Avenue is an unmade road, with a rough shingled surface. The surrounding area is predominantly residential, characterised by a mix of building styles and heights. Immediately to the west is a terraced row of three storey townhouses and to the east is a detached flatted building set over three storeys with a pitched roof above. Opposite the site, at 66 and 68 The Avenue are three storey flatted blocks.
- 2.4 The street, as a consequence of the generous depth of sites, the abundance of front boundary vegetation and mature trees and the informality of the road surface, has a leafy and pleasant suburban appearance.

2.5 To the front of the site is a protected Horse Chestnut tree (TPO 2576 confirmed in May 2014). The boundary between the site and No. 45 is marked by dense hedging.

2.6 The host building comprises at present three storeys of residential accommodation, set beneath a dual pitched roof, comprising 6 no. residential flats (2 per floor) with each flat benefitting from private amenity space in the form of enclosed terraces (ground floor) and balconies (first and second floors).

3. PROPOSAL

3.1 This application seeks prior approval under Schedule 2, Part 20, Class A of the GPDO (as amended) regarding the construction of a one storey roof extension to provide 2 no. residential flats above the existing residential building.

3.2 The proposal comprises the removal of the existing dual pitched roof and the formation in its place of a flat roofed additional storey which would be faced in brickwork to match the existing brickwork below. The resultant building would comprise four storeys of residential flats provided within a flat-roofed building with a total height of approx. 11.41m (the existing ridge height of the building is approx. 11.34m and the eaves height is approx. 8.03m).



Figure 3 – Front elevation as existing



Figure 4 – Proposed front elevation

3.3 The proposed upward extension would form a new third floor of residential accommodation, within the proposed 4 storey building (three storeys as existing). The additional floorspace would be laid out as 2 no. two bedroom residential flats (Flats 7 and 8). Each flat would have an internal floorspace (GIA) of 61 square metres, comprising one double and one single bedroom, a bathroom, utility cupboard and combined kitchen/living/dining room. At the front, each property would have access to a small amenity balcony/wintergarden – set beneath the flat roof topping the extension as a whole.

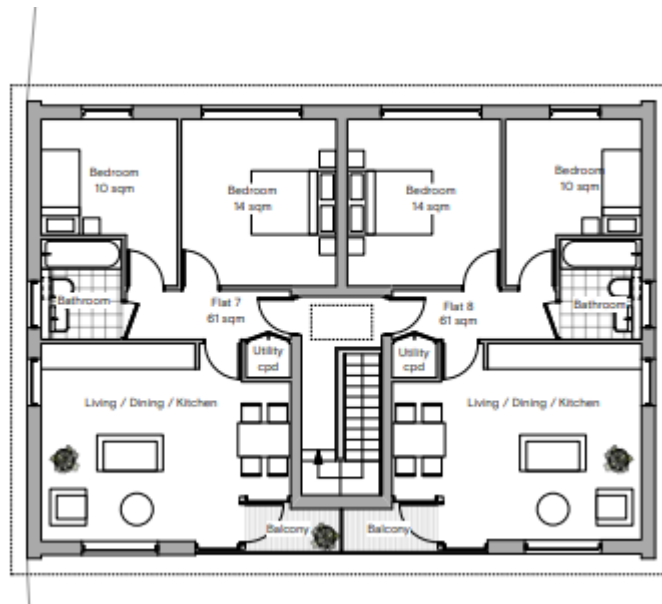


Figure 5 – Layout of proposed fourth floor flats



Figure 6 - West and East elevations

- 3.4 The submitted block plan indicates that a new brick built refuse enclosure will be constructed on the site of the existing refuse storage area, between the western boundary of the site and the rear garden of No. 43A The Avenue.



Figure 7 - Proposed block plan

- 3.5 A cycle store to provide 4 no. cycle spaces will be sited between the driveway and the western boundary of the site with the rear garden of No. 35 Springbourne Court and the rearmost section of the garden serving No. 43A The Avenue.

- 3.6 On land to the rear (north) of the application site, 2 no. car parking spaces are indicated to be provided, one to the side of the existing garage block and one between the rear amenity space and the manoeuvring space associated with the garaging area.

4. RELEVANT PLANNING HISTORY

4.1 23/00758/FULL1

Planning permission refused for the formation of 2 no. car parking spaces and cycle storage in front of the existing building:

Refused on ground:

“1. The proposal by reason of its siting in relation to the mature horse chestnut tree (protected by TPO 2576) would give rise to unacceptable risk of harm to the health and long term retention of the tree, and insufficient justification for the specific siting and need for the development has been provided to outweigh the concern that the development would give rise to pressure for tree works or removal, prejudicing the health and long term retention of the tree and thereby contrary to Policy 73 of the Bromley Local Plan and the processes/recommendations of BS 5837.”

4.2 22/03742/NDFLAT

Prior approval required and refused for the proposed construction of additional floor with pitched roof to provide 2 additional flats (2 no. 2 bedroom units) with associated landscaping works, refuse and cycle storage (56 day application under Class A, Part 20, Schedule 2 to the General Permitted Development Order, 2015 (as amended) with regards to transport and highways impacts, flooding risk, air traffic and defence assets impacts, contamination risks, external appearance of the building, provision of adequate natural light to habitable rooms, impact on existing and neighbouring residential amenities and impact on protected views).



Figure 8 - Front elevation of scheme refused under ref. 22/03742/NDFLAT



Figure 9 – east elevation refused ref. 22/03742/NDFLAT

Refused on grounds:

1. The application site lies in an area with a very poor (1b) Public Transport Accessibility Level and the lack of parking to serve the proposed development is likely to lead to inappropriate and obstructive parking within the adjacent road, to the detriment of the free flow of traffic and conditions of safety within the highway for vehicles and pedestrians. The proposals would therefore be contrary to condition A.2.(1)(a) of Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Policy T6/T6.1 of the London Plan (2020) and Policies 30 and 32 of the Bromley Local Plan.
2. The proposed extension, by reason of its design, scale and height relative to neighbouring properties would have a detrimental impact on the appearance of the host building and in the context of the street scene, and the external appearance of the building would therefore be unacceptable, failing to comply with condition A.2.(1)(e) of Schedule 2, Part 20, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015

(as amended), Policy D3 of the London Plan and Policy 37 of the Bromley Local Plan.

5. CONSULTATION SUMMARY

A) Statutory

Environmental Health Officer – No objection

Highways Officer – No objection

The site is located within an area with a PTAL rate of 1b on a scale of 0 – 6b, where 6b is the most accessible. The Avenue is an unadopted highway, where the driving surface is unmade and formed of loose material.

Access for vehicles is by the existing arrangement leading to the rear garages, where 2 no. additional car parking spaces will be provided. This is satisfactory.

Conditions are recommended should prior approval be granted.

Drainage Officer – No objection.

B) Local Groups

C) Adjoining Occupiers

Objections

External appearance of the building (addressed at 7.7)

- Proposal will dwarf building at No. 41 and beyond – will cause the neighbouring properties to look much smaller and less proportionate in context with much higher development
- Out of character with locality
- Proposal does not overcome previous proposal – scale and massing
- Design quality is poor – replicates the floors below, contrary to Urban Design Guide SPD which recommends setting back upper floor elements to reduce the appearance of bulk

Highways (addressed at 7.3)

- Building work will necessitate road repairs
- Overflow of cars needing spaces onto the highway – limited on-street parking available

Impact on neighbouring amenity (addressed at 7.9)

- Overlooking of neighbouring gardens/loss of privacy
- Loss of light to neighbouring properties including habitable rooms
- Loss of sunlight to rear garden in view of orientation of properties
- BRE report is incomplete
- Impacts on Right to Light

Other matters

- General disruption caused associated with building works
- Impact on property values
- Similar extension built at 66 The Avenue, which has never been occupied
- Lack of sustainable features/provisions – bio-diversity and landscape improvements
- Developer should be required to make contributions to improve the road

Support

- The proposal will be beneficial to existing owners of the flats in the host building
- The block will be more in keeping with the style of other buildings in The Avenue

- Proposal will improve the communal areas of the site, meaning improved safety for residents and visitors
- Completed block will be approximately same height as existing block because incorporates a flat roof
- Other properties in The Avenue have been granted permission for additional storeys to be added
- Will provide affordable, spacious housing when there is a shortage of such
- Disruption would be limited to the period of construction
- The owners of Ribble Hurst contribute to the costs of maintenance and repair to the unadopted part of The Avenue – not the case with all properties in the street

Agent response to objections

External appearance of the building

- Proposed scheme uses a flat roof rather than a pitched roof, responding to the previous refusal – proposal will broadly maintain the existing building height and streetscene impact
- Due to set back from the street and the screening along the front boundary, the building has a limited impact on the street
- Building is well separated and screened from neighbouring buildings – not directly visible within the context of the neighbouring building
- Designed as a continuation of existing elevations
- Flat roof with minimal eaves projection consistent with other developments in the street
- Roof not set back following consideration of other 4 storey buildings in The Avenue (refers to Nos. 5, 35, 49 and 78)
- Recessed balconies provide façade balance
- It will be possible to brick-match in view of the prevalence of such bricks/their manufacture, and on the front elevation there is an integral horizontal band between storeys which will be replicated in this development

Impact on neighbouring amenity

- The daylight and sunlight report findings under 22/03742/NDFLAT remain valid in view of the reduced massing of the roof
- Proposal will not impact on habitable rooms
- Overlooking impact on neighbouring properties not different to that associated with the existing first or second floor flats
- No primary habitable windows in side elevations facing the development

Highways

- Would assume that a CLMP condition will be imposed should the scheme be approved
- Owners of Ribble Hurst already contribute to the cost for the road to be maintained – and a condition in relation of pre/post road condition would be agreed to
- Proposal will meet parking space requirements set out in London Plan and provides 1 space for each dwelling

Other matters

- Energy performance is not a condition within the assessment of prior approval applications. Proposal will need to meet the current Building Regulations Part L 2021 and the building will perform better than the existing building and others on the street

6. LEGAL CONTEXT AND POLICY CONTEXT

6.1 As set out in Class A, Part 20, Schedule 2 of the General Permitted Development (England) (Order) (as amended), planning permission is not required for development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses

- 6.2 As well as the considerations available for assessment by the Local Planning Authority which are listed in paragraph 6.3 below, the construction of additional dwellinghouses on top of existing detached flatted buildings is required to comply with condition under A.1, which include stipulations including (but not limited to) floor to ceiling heights, siting of development relative to the front of the building, site location in relation to designated assets including scheduled monuments, listed buildings and conservation areas, as well as with regards to the height and use of the existing building and its period of construction.
- 6.3 Condition A.2 of the permitted development rights sets out the list of impacts for assessment in applications for prior approval.
- Transport and highways impacts of the development
 - air traffic and defence asset impacts of the development
 - contamination risks in relation to the building
 - flooding risks in relation to the building
 - the external appearance of the building
 - the provision of adequate natural light in all habitable rooms and compliance with nationally described space standards of the new dwellinghouse
 - impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light
 - whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012 issued by the Secretary of State,
 - where the existing building is 18 metres or more in height, the fire safety of the external wall construction of the existing building,
 - where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building
- 6.4 In addition, Article 3 – Permitted Development (as amended by SI 1243 on 6th April 2021) added the provision that had the implication that new dwellinghouses provided under Schedule 2 of the GPDO would not be permitted where they provide a dwelling with a GIA of less than 37sqm or that does not comply with the nationally described space standards.

6.5 The NPPF was revised and published in December 2023 and the guidance relating to design, neighbouring amenity, to transport, flood risk, land contamination, noise and natural light in relation to quality of accommodation is a material consideration in the determination of applications for Part 20 Class A Prior Approval.

6.6 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.

6.7 **London Plan 2021**

D3 Optimising site capacity through the design-led approach

D4 Delivering good design

D5 Inclusive design

D6 Housing quality and standards

D9 Tall buildings

D12 Fire safety

D14 Noise

S12 Flood risk management

S13 Sustainable drainage

T3 Transport capacity, connectivity and safeguarding

T4 Assessing and mitigating transport impacts

T5 Cycling

T6 Car parking

T6.1 Residential Parking

T7 Deliveries, servicing and construction

Bromley Local Plan 2019

4 Housing Design

30 Parking

- 32 Road Safety
- 37 General design of development
- 47 Tall & Large Buildings
- 115 Reducing flood risk
- 116 Sustainable Urban Drainage Systems (SUDS)
- 118 Contaminated Land
- 119 Noise Pollution

7. ASSESSMENT

- 7.1 Class A confers permitted development rights for works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all:
- (a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;
 - (b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;
 - (c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;
 - (d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Assessment: COMPLIES.

The plans will affect only the communal internal stairwell by introducing a turn/flight of stairs leading from the existing second floor (third storey) to lead to the proposed third floor (fourth storey). Externally, the proposals include use of the existing rear parking area to provide 2 no. car parking spaces, as well as the provision at the side/rear of refuse and cycle storage facilities. The existing building does not include any plant, and none is proposed.

- 7.2 A.1 sets out a range of criteria with which the application site/specific development must comply, including:

- building was constructed between specified dates in 1948 and 2018 and not following the grant of prior approval under other named Classes within the GPDO (M, MA, N, O, P, PA, or Q)
- building as existing is 3 storeys or more in height and the additional storey/storeys would be constructed on the principal part of the building
- internal floor to ceiling height of any additional storey would not exceed the floor to ceiling height of any of the existing storeys, or 3m, whichever is the lower
- the development must provide flats only and the height of the roof of the extended building must not exceed 30m in total, or 7m increase relative to the existing building
- no visible support structures are permitted and no engineering operations outside of the building curtilage are permitted other than as specified
- the development works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases, must not extend beyond the existing building curtilage
- the development works or the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses must not extend outside the curtilage, and must not be situated in front of the wall forming the principal elevation of the existing building, or on land between the side elevation of the building and a highway
- development under Class A is not permitted where the site would lie in defined areas comprising: conservation area/curtilage of a scheduled monument or listed building/a site of special scientific interest/a safety hazard area/a military explosives storage area/land within 3km of the perimeter of an aerodrome.

Assessment: COMPLIES. The development would comply with all the conditions set out in A.1 and summarised above.

Class A.2 (1) Conditions

7.3 TRANSPORT AND HIGHWAYS IMPACTS OF THE DEVELOPMENT – ACCEPTABLE

- 7.3.1 No objections are raised by the Highways Officer to the proposal, which would provide 2 no. additional car parking spaces at the rear of the site in the context of the existing garaging. The car parking spaces would utilise the existing access point and track, and while this is narrow, this is currently the case for the existing on-site car parking. It is not considered that the limited number of additional parking spaces (2) in conjunction with the formation of 2 additional flats, would have a significantly greater impact with regards to highways safety, congestion and the free flow of traffic in the neighbourhood.

7.3.2 It is acknowledged that representations have been received expressing concern that the proposal will give rise to additional on-street parking demand. However, the proposal would provide each 2 bedroom flat with 1 parking bay, and in note of the size of the units and the siting of the building within an area with a PTAL of 1b the London Plan car parking provision as set out in Policy T6.1 the proposal is considered to provide adequate parking in the context of the site and surroundings.

7.3.3 Representations have also referred to the impact of the construction traffic on road conditions in the street. Conditions have been recommended by the Highways Officer, should prior approval be granted. These include that a construction management plan and a road condition survey be provided and approved prior to the commencement of the development – so that a record is made of the existing road condition adjacent to the site, with the aim of ensuring re-instatement following the completion of the development, as well as there being approval pre-commencement of details of deliveries and servicing and other construction-related impacts.

7.3.4 The applicants have confirmed agreement with these pre-commencement conditions, and have noted that the owners of the flats at Ribble Hurst already contribute to the maintenance of the existing highway outside the site frontage.

7.4 AIR TRAFFIC AND DEFENCE ASSET IMPACTS - ACCEPTABLE

7.4.1 The proposal would not impact on air traffic or defence assets.

7.5 CONTAMINATION RISKS IN RELATION TO THE BUILDING – ACCEPTABLE

7.5.1 The development is contained within the existing footprint of the building and will not involve ground works in relation to the building such that would give rise to contamination concerns.

7.6 FLOODING RISKS IN RELATION TO THE BUILDING – ACCEPTABLE

7.6.1 The application site is not within a high risk flood zone, and while the proposal relates to the formation of 2 additional residential units, these would be sited at

high level relative to the existing residential development at the site and surroundings.

7.7. EXTERNAL APPEARANCE OF THE BUILDING – ACCEPTABLE

- 7.7.1 The principle of the construction of an additional storey to a detached block of flats is agreed in the very provision of Class A – i.e. that the construction of such development comprises permitted development, subject to an assessment of how a proposed development will impact on the “external appearance of the building.”
- 7.7.2 The interpretation of paragraph A.2(1)(e) is now an established case law principle in that assessment shall include the townscape context of the appearance of the building in the surrounding area as well as the building appearance itself.



Figure 10 – Front of site



Figure 11 – rear of building

7.7.3 The surrounding townscape context comprises a mixed character formed largely of flatted buildings of a varied design and external appearance. Alongside the varied design of development, the scale and massing of properties fronting The Avenue is not uniform. While the building to the left of the site is three storeys in height (with a flat roof) and the building to the right of the site is three storeys (with a pitched roof), the spacing and setting of buildings relative to the front boundary/street varies. The terrace building including 43a is set on lower ground as a consequence of the topography of the site/surroundings – and the neighbouring building at 47 is likewise set slightly higher than the application building.

7.7.4 With regards to building heights within the wider street scene/townscape context, there is some variety in height/number of storeys and external appearance. Balmoral Court, No. 35 The Avenue, comprises an imposing four storey building with a pitched roof. No. 33 The Avenue is a three storey building with significant accommodation visible at roof level as a result of the front dormers, and includes a basement/undercroft parking area. Sandringham Court includes four storeys of accommodation. At the same time, a number of older buildings within the street are set over two storeys and in terms of relationships between buildings, there are examples of juxtaposition between two and four storey buildings (i.e. the relationship between No. 49 and 51). The applicant has provided, within their Design and Access Statement, an analysis of building heights within the immediate locality, which is shown below (with yellow indicating four storey development):



Figure 12 – Analysis of building heights

7.7.5 It is acknowledged that the proposed extension would not be set in from the main existing elevations below, and in this context materials used for the external surfaces of the formed elevations are of particular importance in terms of how the building would look as extended. It can be difficult to colour match existing brickwork or rendering.

7.7.6 The applicant was asked for further information on their intentions regarding brick-matching and how successfully this may be of being achieved, as well as to provide further explanation of the design approach in the development of the current scheme.

7.7.7 With regards to brick matching the applicant's agent has referred within their Design and Access statement to successful schemes involving brick matching, and notes that there are three brick types in the existing building, comprising standard mass-produced bricks. It is noted that the existing building is horizontally banded between floors, and if this design detail is continued into the proposed building's front elevation (as is indicated on the submitted elevation), then the use of facing brick for the external surfaces of the building would be acceptable in terms of the impact of the development on the appearance of the building and its surroundings. While the neighbouring property to the east has a pitched roof, the three storey terrace to the west has

a flat roof. As such, it is considered that the proposal would not appear unduly discordant or harmful to the visual amenities of the street scene.



Figure 13 Proposed front elevation

- 7.7.8 It is recommended, should prior approval be granted, that a condition be imposed requiring details of materials to be used for the external surfaces of the extension, cross-referencing those existing within the host building, in order that a successful transition between the old and the new at the development building can be achieved.
- 7.7.9 While the proposed extension is not set back from the main elevations below, this is not on balance considered to result in an unsatisfactory appearance to the building, noting the varied townscape context of the development, and also the way in which the proposed extension is designed to be a continuation of the existing building, drawing on examples of other four storey buildings with no set backs in the area. The applicant has referred also to the design's integration of a wider balcony recess through the setting back of the internal stair, intended to provide balance to the front elevation.
- 7.7.10 Taking into account the assessment above it is considered that the proposal would not result in an unacceptable impact on the appearance of the host building and its townscape/streetscene context.

7.8 ADEQUATE NATURAL LIGHT AND COMPLIANCE WITH MINIMUM SPACE STANDARDS - ACCEPTABLE

7.8.1 The proposed residential units would have dual aspect – with living room windows facing to the front (south). The bedroom windows would face to the rear. Overall, it is considered that the proposal would provide adequate natural light in all habitable rooms.

7.9 IMPACT ON THE AMENITY OF THE EXISTING BUILDING AND NEIGHBOURING PREMISES INCLUDING OVERLOOKING, PRIVACY AND LOSS OF LIGHT – ACCEPTABLE

7.9.1 The Council is required under A.2(1)(g) to consider the impact of a proposal on the amenity of the existing building and neighbouring premises. Considerations include (but are not limited to) overlooking, loss of privacy and loss of light.

7.9.2 The application has been submitted with the Sunlight and Daylight report which accompanied the previous, refusal application – where it was proposed to construct a fourth floor of accommodation with a pitched roof identical to the existing. The current proposal relates to a flat-roofed extension, with a height equivalent to the eaves of the previously-proposed scheme.

7.9.3 While prior approval was refused for the previous scheme, it is notable that neither of the grounds for refusal related to the impact of that, bulkier, scheme on the amenities of neighbouring residents.



Figure 14 – front elevation of Ribble Hurst with No. 43a beyond

7.9.4 Representations have been received which express concern at the impact of the proposal on the amenities of neighbouring residents relating to loss of light, loss of sunlight and with regards to the scope of the Daylight and Sunlight Assessment.



Figure 15 – host building on left and No. 47 on right

- 7.9.5 The applicant has submitted a supporting statement addressing objections raised by neighbouring residents.
- 7.9.6 It is noted that the neighbouring property at No. 43a lies directly to the east of the application building, and broadly aligns at front and rear with the position of front and rear elevations at the host building. While it is acknowledged that the proposal will increase the number of vertical storeys by one, the additional floor of accommodation replaces the existing dual pitched roof, which has a ridgeline that runs parallel to the street boundary. The height of the proposed building will not be significantly higher than the existing ridge height of the host property. In terms of the increased height at front and rear, associated with the “squaring off” of the bulk at roof level to form the additional floor, the increase in the height of the front and rear elevations is approx. 3.2m, but this lessens towards the centre of the roof, where the height is consistent with that existing.
- 7.9.7 Concern has been expressed with regard to the impact of the proposal on light (daylight and sunlight) to neighbouring properties with reference to the rear gardens and to flank facing windows at the end-of-terrace property adjacent to the site. With regards to No. 43A, which lies to the east, while that property does include flank facing windows, these are not understood to provide sole outlook/daylight and sunlight to the first/second floor rooms in question, which already face towards the flank of the host building. When considering what constitutes a habitable room, certain room-types are excluded (in planning

terms) including utility spaces, hallways and bathrooms. Where a room has more than one aspect, the planning judgement can be that impact on one window i.e. a flank window will not be unacceptable where the primary light/outlook in the main fenestration is maintained.

7.9.8 To the west of the site is No. 47 which comprises a three storey flatted building with a pitched roof. The building is separated from the host building by a distance of approx. 6m at the closest point, although as it is L-shaped, a front “wing” of development lies approx. 15.85m from the host building. Taking into account the orientation of the properties relative to each other, the separation to the boundary and the scope of the development (with regards to the “replacement” of the existing pitched roof with a flat roofed storey of similar overall height) it is not considered that the refusal of prior approval on the grounds of impact on neighbouring amenity would be warranted.

7.9.9 Reference has been made to “rights to light.” These exist outside of the planning regime and are separate from the consideration of the impact of a development on daylight and sunlight as part of a planning application/application for prior approval.

7.10 Other matters for assessment

7.11 In addition to the assessments above, under A.2(1)(h), A.2(1)(i) and A.2(1)(j) the Council is required to consider the impact on protected views and the fire safety of the external wall (where the existing building exceeds 18m in height, and if it does, the fire safety impacts of the development). The existing building is not more than 18 metres in height and the application site is not within one of the protected vistas set out in the London View Management Framework. As such, A.2(1)(h), A.2(1)(i) and A.2(1)(j) are not applicable in this instance.

8 CONCLUSION

8.1 The application for the for the erection of a one storey roof extension to provide 3no. flats and associated works, including cycle and bin store, has been assessed in accordance with the provisions of Schedule 2, Part 20, Class A of the GPDO and Article 3 section (9A) of the General Permitted Development Order 2015 (as amended).

- 8.2 Officers raise no objections to the proposal on the grounds of consideration as detailed above in this report and set out within the GPDO.
- 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: Grant Prior Approval

Subject to the following conditions:

- 1. Details of a Construction and Environmental Management Plan**
- 2. Details of road condition and repair to damaged roads**
- 3. Details of Materials**
- 4. Details of Refuse Storage**
- 5. Details of Bicycle Storage**
- 6. Obscure glazing to flank elevations**

Informatives


- 1. Contact Naming and Numbering Officer at the Council.**
- 2. Reminder of CIL payments.**

And delegated authority be given to the Assistant Director: Planning & Building Control to make variations to the conditions and to add any other planning condition(s) as considered necessary.

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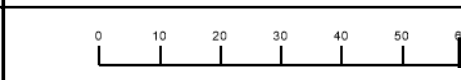
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 **23/04047/NDFLAT**



02 January 2024

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Agenda Item 4.7

Committee Date	11.01.2024	
Address	Ravensleigh House Westmoreland Place Bromley BR1 1DS	
Application Number	23/04405/FULL1	Officer - Susanna Stevenson
Ward	Bromley Town	
Proposal	Installation of two external condensers within a caged enclosure, and associated façade alterations including the replacement of a window with a louvre at first floor level and installation of a louvre at ground floor level and other associated works	
Applicant	Agent	
NHS Integrated Care Board	Gerald Eve LLP	
One Fitzroy 6 Mortimer Street W1T 3JJ	One Fitzroy 6 Mortimer Street W1T 3JJ	
Reason for referral to committee	Council-owned land	Councillor call in
		No

RECOMMENDATION	PERMISSION
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<p>KEY DESIGNATIONS</p> <p>Area of Deficiency in Access to Nature Article 4 Direction Biggin Hill Safeguarding Area Bromley Town Centre Area Local Cycle Network London City Airport Safeguarding Local Distributor Roads London Distributor Roads</p>
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Proposal Sites
 River Centre Line
 Secondary Shopping Frontage
 Smoke Control SCA 51

Land use Details

	Use Class or Use description	Floor space (GIA SQM)
Existing	Class E(g)(i)	1030 SQM

Representation summary	A site notice was displayed on 28 th November 2023. Letters were sent to neighbouring residents on 21 st November 2023.	
Total number of responses	2	
Number in support	0	
Number of objections	2	

1. SUMMARY OF KEY REASONS FOR RECOMMENDATION

- The proposal would not have a significant impact on the appearance of the host building or the visual amenities of the area
- Subject to conditions, the impact of the proposal on residential amenity, including with regards to noise and disturbance, would be acceptable

2. LOCATION

2.1 The application site comprises a five storey building which has a ground floor public house (Wetherspoons) and which is sited to the southwest and on the other side of the road from Bromley South Station.

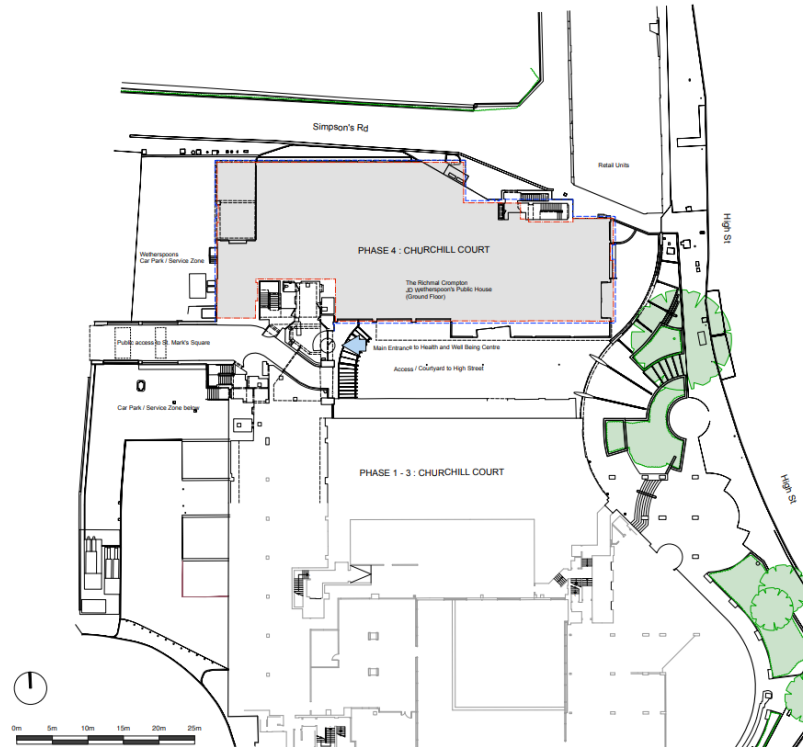


Figure 1 – Ravensleigh House/Phase 4 Churchill Court (shaded area)

- 2.2 The site forms part of the wider complex of buildings, including the new Civic Centre, which was formed as part of the development of Westmoreland Place to form Churchill Court. To the north of the application site is Simpsons Road, which leads from the High Street.



Figure 3 – front of building

3. PROPOSAL

- 3.1 The application has been submitted by the NHS Integrated Care Board. The covering letter submitted with the application notes the intention to use part of the larger host building to provide a health and well-being centre/health hub.
- 3.2 Planning permission is sought for the installation of 2 no. external condenser units which would be sited within a caged enclosure, along with associated external elevational alterations including the replacement of a window with a louvre at first floor level, the installation of a louvre at ground floor level and other associated works.

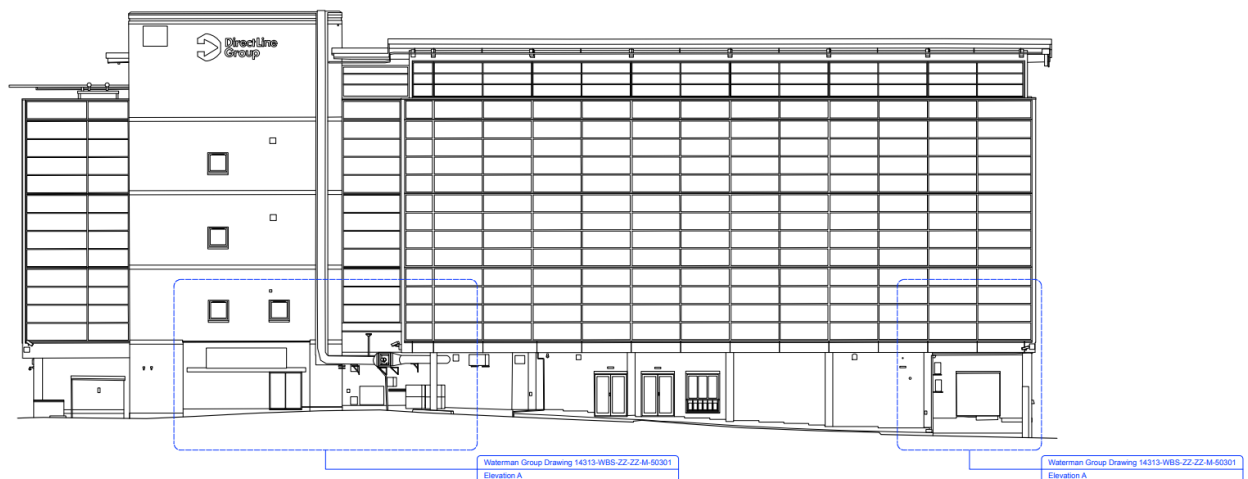


Figure 4 – Existing elevation with location of development marked

- 3.2 On the north elevation (facing Simpsons Road) the proposal comprises the replacement (at first floor level) of an existing window by a louvre. At ground floor level, ducting works are proposed, along with the installation of condenser/AC units.
- 3.3 The application has been submitted with:
- Covering letter
 - Plant Noise Assessment Report
 - Design and Access Statement



Figure 5 – Location of condensers

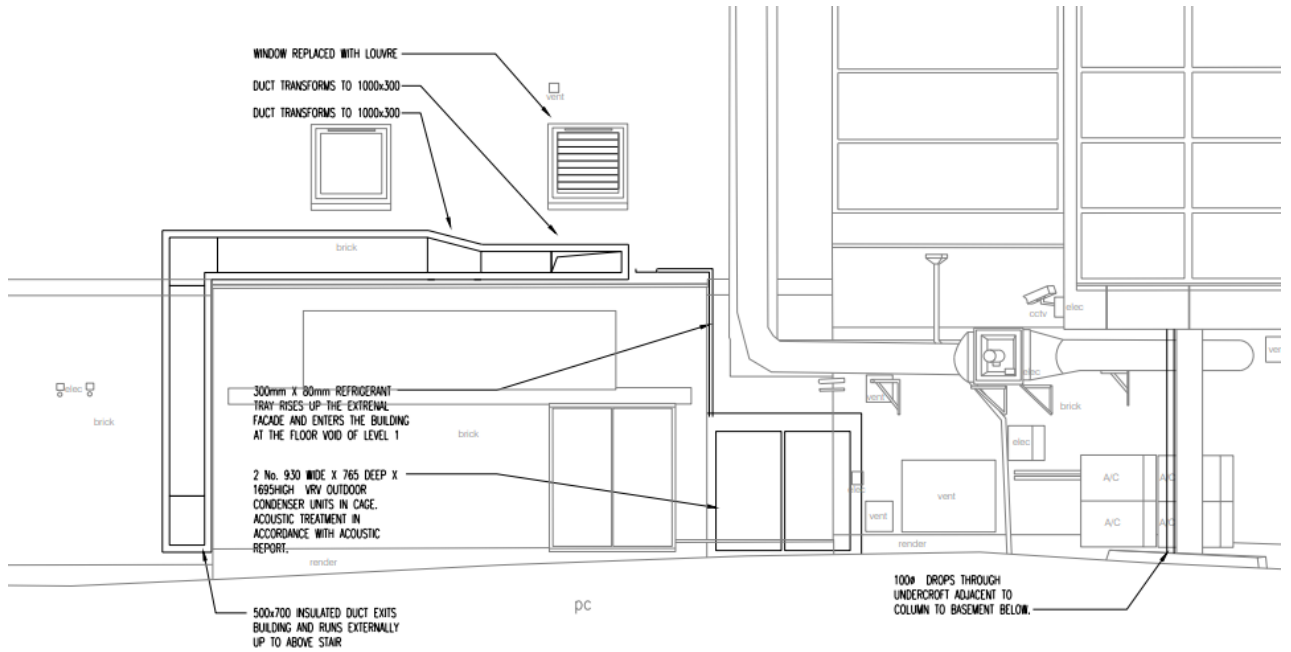


Figure 6 – part detailed elevation (north)

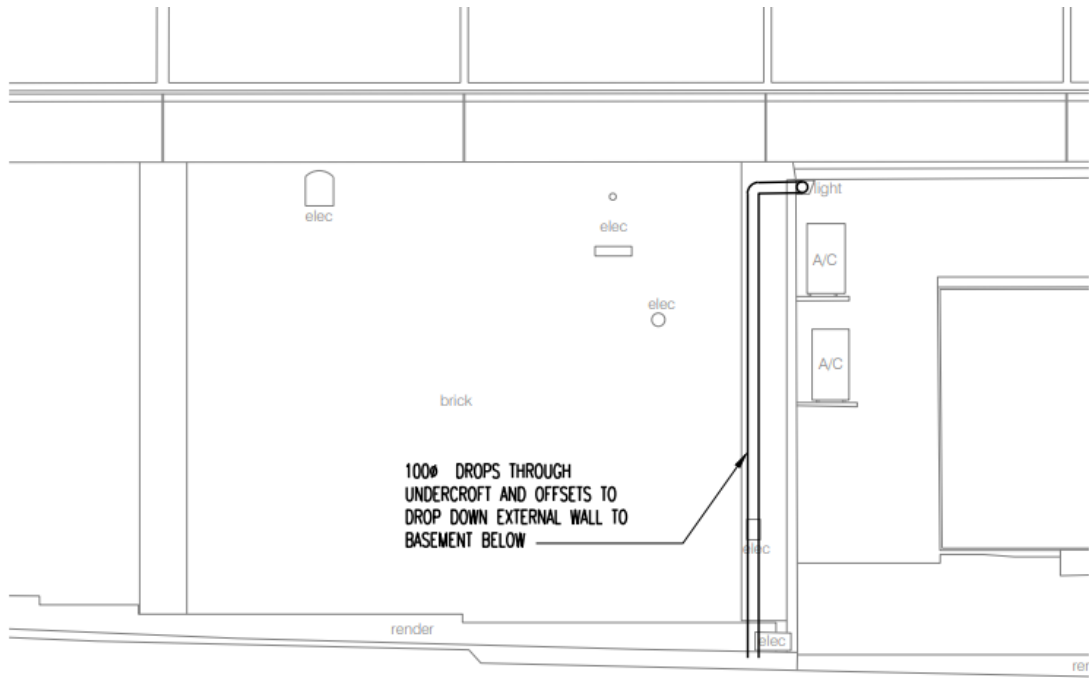


Figure 7 – part detailed elevation (north)

- 3.3 On the southern elevation (which faces the car park/service area at the rear of the building, it is proposed to install a 2.5m x 0.8m louvre.



Figure 8 – Location of louvre

4. RELEVANT PLANNING HISTORY

- 4.1 Recently, under reference 23/03873/PLUD a Lawful Development Certificate was granted for “Confirmation that First floor, Phase 4 (Ravensleigh House), Churchill Court falls within Class E (Commercial, business and service) use and that its use for any use within Class E (including medical and health care use) would be lawful. (LAWFUL DEVELOPMENT CERTIFICATE - PROPOSED).”

5. CONSULTATION SUMMARY

A) Statutory

- Network Rail **No objection**

Due to the close proximity of the site to Network Rail’s land and the operational railway, it is requested that the developer follows Asset Protection informatives.

- Environmental Health (pollution) **No objection**

There are no objections in principle, and conditions are recommended should planning permission be granted, relating to the hours of operation of the plant, and compliance with the Plant Noise Assessment Report submitted by the applicant (dated 12th October 2023).

B) Local Groups

N/A – no comments received

C) Adjoining Occupiers

Objections

Noise and disturbance (addressed at paragraph 7.2)

- Objection to additional noise generating plant without effective noise mitigation
- There is already excessive noise associated with a poorly maintained and managed chiller unit, which is now under the control of Bromley Council, on the roof of the new civic centre

- The noise assessment was conducted when the chiller referred to above was operating 24/7, producing an inaccurate background noise level. When the premises were operated by Direct Line this unit only operated in warm months and during office hours, and that should be the case going forwards
- These units would operate between 08.00 and 23.00 year round – the noise assessment should be conducted when the Civic Centre chiller unit is in its normal state of use
- Additional unchecked noise sources should not be introduced even within an urban environment, without available mitigations and a credible assessment of impact on neighbouring amenity
- The noise assessment indicates calculations from the 4th floor – what about residents living below the 4th floor – unclear how this was factored into the Distance Attenuation calculation

6. POLICIES AND GUIDANCE

National Policy Framework 2023

The London Plan

D1 London's form, character and capacity for growth

D4 Delivering good design

D11 Safety, security and resilience to emergency

D14 Noise

E2 Providing suitable business space

SI1 Improving air quality

Bromley Local Plan 2019

37 General Design of Development

119 Noise Pollution

Bromley Supplementary Guidance

Urban Design Supplementary Planning Document (2023)

7. ASSESSMENT

7.1 Design – Acceptable

- 7.1.1 Policy 37 of the Bromley Local Plan seeks to ensure that new development is of a high standard of design and layout which complements the scale, proportion, form, layout and materials of adjacent buildings and areas.



Figure 9 –Rear of High Street from Simpson’s Road/site building on right

- 7.1.2 The application site is located within an urban environment and the proposed equipment/development would be sited away from the public realm and not widely appreciable from the surroundings.
- 7.1.3 The caged-enclosed condensers would be sited so as to be viewed in context with existing plant and ducting on the “private”/service side of the larger building/complex of buildings, and as such would not have a significant impact on visual amenity, the appearance of the building or the character of the wider area.



Figure 10 – Ravensleigh House on left, Brouard Court ahead, railway land on right

7.2 Impact on neighbouring amenity

- 7.2.1 Policy 37 of the Bromley Local Plan seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.
- 7.2.2 In addition, Policy 119 of the Bromley Local Plan relates to noise pollution and states that proposed development likely to generate noise and or vibration will require a full noise/vibration assessment to identify issues and appropriate mitigation measures.
- 7.2.3 It is noted that 2 no. representations have been received expressing concern at the potential that the proposal would exacerbate existing acoustic conditions in the locality, in view of the residential development within the wider complex of buildings. It is stated that maintenance is required of the existing chiller unit on the Civic Centre building, and that the malfunctioning of the unit may have impacted on the noise assessment baseline.
- 7.2.4 However, no objections are raised to the proposals by the Environmental Health (Pollution) officer, who recommends conditions to require that the plant is not operated overnight, between 23.00 hours and 07.00 hours, and requiring compliance with the provisions of the submitted acoustic assessment.
- 7.2.5 Taking the above into account, along with the town centre location of the site and the existing noise-generating uses locally, and subject to conditions, it is considered

that the proposals would be acceptable and would not give rise to significant impact on neighbouring amenity. It is recommended, in note of the concern raised by the correspondent with regards to defective equipment and its associated noise impact, that the suggested conditions recommended by the EHO make direct reference to the need for equipment to be kept in good working order.

8. CONCLUSION

- 8.1 It is not considered that the proposals would have a significant impact on residential amenity, nor upon the visual amenities of the area.
- 8.2 Conditions should be applied to a grant of permission to require compliance with the submitted details, including with regards to noise, to ensure that suitable mitigation of any such noise is sufficient to avoid excessive noise or disturbance to local residents.
- 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: PLANNING PERMISSION BE GRANTED

Subject to the following conditions:

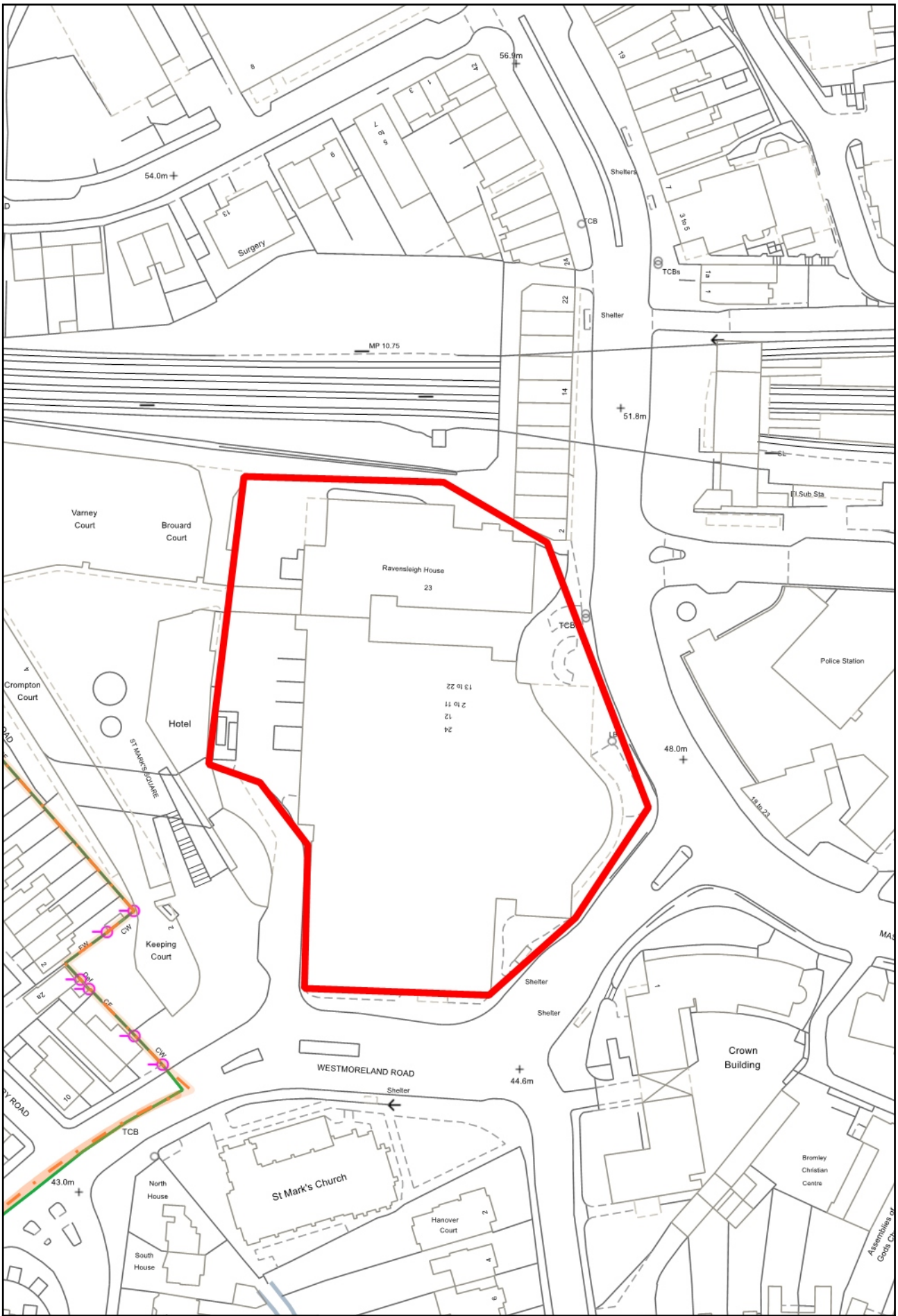
1. Standard time limit
2. Standard compliance with plans
3. Proposal to accord with the provisions of the Plant Noise Assessment Report – including plant being maintained in good working order

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


Informatives

1. Network Rail Asset Protection informatives

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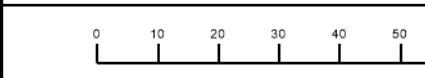
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