

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 11/02294/FULL1

Ward:
Bromley Town

Address : Land Adjacent 29 Rochester Avenue
Bromley

OS Grid Ref: E: 540914 N: 169220

Applicant : Mr Don Duane

Objections : YES

Description of Development:

Two storey 3 bedroom detached dwelling at land rear of 112 Murray Avenue and adjacent to 29 Rochester Avenue

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds

Proposal

This proposal is for a detached two storey three bedroom dwelling with one car parking space on the land adjacent to 29 Rochester Avenue and to the rear of 112 Murray Avenue.

The proposed dwellinghouse will consist of two separate elements. The first element will measure approximately 6.6 metres along the western flank elevation, within this main section measuring approximately 5.9 metres in width. This entire section will have a continuous front and rear elevation, before the front elevation is set back by 1 metre to create the second element of the proposed dwelling. This element will measure approximately 7.5 metres in depth along the eastern flank elevation, approximately 4 metres in depth and the rear elevation of this element will project further rearward than the main part of the dwelling by approximately 1.9 metres.

The western flank elevation will be set approximately 3.6 metres away from the western property boundary which also forms the rear property boundary of 112 Murray Avenue, and the eastern property boundary will be set away from the eastern property boundary shared with Number 29 Rochester Avenue by 1 metre.

At ground floor level, the property will consist of a living room, toilet, kitchen and dining room. The first floor level will consist of three bedrooms and a bathroom.

The eaves of the proposed dwelling will measure approximately 5.1 metres from ground level, and the top of the chimney will measure approximately 8 metres from ground level, with a gable end feature to the front or the property close to the western side. The plans indicate that the roof will be tiled to match neighbouring properties, and the first floor walls will be rendered again so that they are similar to neighbouring properties. No windows are proposed in the flank elevations with the exception of a single door in the western flank elevation at ground floor towards the rear of this flank elevation.

Location

The application site located on the northern side of Rochester Avenue, adjacent to No. 29 Rochester Avenue and to the rear of 112 Murray Avenue.

The site is accessed via Rochester Avenue and was previously belonging to the rear garden area of 112 Murray Avenue which is currently vacant. The majority of properties in the surrounding area are mock Tudor and inter-war era semi-detached single family dwelling houses.

Comments from Local Residents

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

- the plot size and resulting garden are still much smaller than surrounding properties;
- site currently has no services. Where will foul and surface water exit the site? Concerns re flooding. Would they exit directly into main sewers in Rochester Ave?
- the property would reduce the availability of road side parking. Road is already reduced to a single lane due to cars parked on both sides during working hours.
- no objections provided that the new house is of a suitable size and appearance for the neighbourhood;
- it is essential however that the Japanese Knotweed is effectively eradicated;
- concerns regarding drains, do not want them being built over neighbouring property;
- plans submitted with application are not correct as the side extension at No. 29 has been completed and the plans should illustrate this.

Full copies of all correspondence received can be viewed on the file.

Comments from Consultees

Waste Services stated that refuse and recycling should be left at the edge of the curb side on collection day.

No objections raised by Highways Drainage.

The Council's Highways Engineer stated that the proposed development is located within Bromley Town Centre (outer south) Controlled Parking Zone (CPZ). The vehicular access is via a modified crossover leading to a garage and as such no objections were raised in relation to the proposed development. However, it was stated that were planning permission to be granted conditions relating to sufficient car parking, size of parking bays/garages, visibility splays for vehicular access, bicycle parking and highway drainage would be required.

Thames Water was consulted and raised no objections with regards to the sewerage and water infrastructure for the proposed development. Should the developer propose to discharge to a public sewer, prior approval would be required from Thames Water.

From an Environmental Health (Housing) point of view, the proposal appears satisfactory.

From an Environmental Health (Pollution) point of view, no technical objections were raised to the scheme subject to the imposition of a condition, should permission be granted, to ensure that the site is free of Japanese Knotweed and that any plants or roots have been removed from the site in accordance with relevant legislation and guidance.

Planning Considerations

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It is considered that no significant trees would be affected by the proposal.

The proposal falls to be considered primarily with regard to the following policies:

BE1 Design of New Development
H7 Housing and Design
H9 Side Space
T3 Parking

Planning History

In terms of relevant planning history, permission was recently refused under ref. 10/01637 for a detached four bedroom dwelling with one car parking space (at land r/o 112 Murray Avenue).

This application was refused on the following grounds:

The proposal would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces so that the development would be devoid of sufficient amenity space and thus creating an unsatisfactory environment for the occupants of the four bedroom dwelling-house capable of family occupation; and would be out of character

with the surrounding residential properties with significant rear gardens and thus are contrary to Policies H7 and BE1 of the Unitary Development Plan;

The proposal would be an overdevelopment of the site on land which is not previously developed resulting in a loss of garden land, out of character with the locality thereby detrimental to its visual amenities and character, contrary to Policies H7 and BE1 of the Unitary Development Plan and PPS 3; and

The proposed development by reason of its prominent siting in advance of the existing building line would be an incongruous and obtrusive feature in the street scene detrimental to the visual amenities and character of the area.

This application was taken to appeal and was dismissed by The Planning Inspectorate.

The Inspector found that the main issues were the effect of the proposed development on the character and appearance of the area and its effect on the living conditions of future occupiers with regard to outdoor amenity space.

Whilst the Inspector stated that there was, in his opinion, no reason in principle why an appropriately designed and dimensioned detached house could not be added to the estate, there were considered to be numerous constraints relating to the appeal site. The design of the scheme was considered to shun 'pastiche' in favour of a design that the appellant considered would be resolutely contemporary and determinedly different within the established street scene, but which was considered by the Inspector to simply appear incongruous. As a result, the Inspector stated that the scheme would be notable mainly for its lack of respect for its context and that the bold departure from the norm proposed would, in this instance, compromise the quality of the local environment.

In addition, the amenity space was considered to be barely adequate and this also added weight against the development. To conclude, the Inspector believed that the proposed development would conflict with the intentions of the development plan and other relevant policy.

Conclusions

Members may consider that the main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

The proposed development is situated in a significantly smaller plot than the surrounding mock Tudor and inter-war era properties which benefit from sizeable rear garden areas. Policy H7 requires, inter alia, that the site layout, buildings and space about buildings recognises and complements the qualities of the surrounding areas. In addition Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between

buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality". The proposed development does not respect the nature of its locality and would pose a detrimental impact on the character of the area resulting in an overdevelopment of the site given the restricted plot size and unsatisfactory relationship with adjacent properties.

In the previously refused scheme, ref. 10/01637, the materials, details, style, scale and form of the proposed development differed significantly from neighbouring properties which was considered to result in a detrimental impact on the character of the area and appear incongruous in the street-scene. The proposed development in the current scheme has been altered so that the proposed materials will be more in keeping with the character of the surrounding properties, and also the style of the proposed development is also more in keeping within the area.

In recent years a number of infill properties have been developed such as Nos. 16, 31 and 37 Rochester Avenue but these have opted for a more traditional design and are set within sizeable plots. Members may therefore consider that whilst there are examples of other infill developments having taken place, the plot sizes differ significantly from the current scheme.

Considering the proposed site once belonged to the rear garden area of No. 112 Murray Avenue, the Council takes the view, and indeed Members may agree, that the revised PPS3 is relevant in this case both because of the deletion of private garden land from the definition of previously developed land and the deletion of the material indicative minimum density of 30 dwellings per hectare. Paragraph 4.39 of the UDP, one of the explanatory paragraphs to Policy H7 states "many residential areas are characterised by spacious rear gardens and well separated buildings. The Council will therefore resist proposals which would tend to undermine the character or which would be likely to result in detriment to existing residential amenities." Therefore, as this proposed dwelling is to be situated on land no longer considered previously developed land and given that there is insufficient space available to accommodate a satisfactory development, Members may consider that the proposal is unacceptable as it is contrary to both Policy H7 of the Unitary Development Plan and PPS3.

The proposed development is located 1 metre from the boundary with Number 29 Rochester Avenue, approximately 3.6 metres from the boundary with 112 Murray Avenue and approximately 10 metres from the boundary with No. 114 Murray Avenue at its narrowest point. In terms of impact on neighbouring residential amenity, the proposed development is to provide 1 metre side space from Number 29 Rochester Avenue, which Members may consider to be in accordance with Policy H9 of the Unitary Development Plan, and as such Members may consider that it is not anticipated the potential loss of light to No. 29 Rochester Avenue will be to such an extent as to warrant refusal.

Given that there are to be no windows located on either flank wall of the proposed dwelling, Members may consider that the potential for overlooking or loss of privacy for either No. 29 Rochester Avenue or No. 112 Murray Avenue is considered to be negligible. The previously refused scheme was closer to the rear

property boundary shared with No. 114 Murray Avenue (approximately 6.6 metres away) which was considered to result in an unacceptable degree of overlooking and loss of privacy for the rear garden area of this property. The current scheme has therefore increased the separation from 6.6 metres to a minimum of 10 metres, along with the addition of mature planting to the rear of the property along the rear and side property boundaries of the site in an attempt to mitigate for any possible overlooking and loss of privacy to neighbouring properties.

It is not anticipated the proposed development will exacerbate existing parking issues within the area. At present the site has a garage on with one parking space, and whilst the proposal will not retain this garage or include an integral garage, one parking space will be provided within the frontage of the site within the driveway area. Members may therefore consider that this element could be controlled by way of a condition requiring sufficient car parking being provided.

The Inspector in his decision regarding the previously refused scheme stated in effect that the removal of garden land from the definition of previously-developed land introduces no presumption against its development but rather reduces the priority that might in some other circumstances be accorded to its development so as to outweigh other considerations.

On balance and having had regard to the above, Members may find that whilst the overall scale of the proposed dwelling has been reduced in terms of the rearward projection and the rear garden space having been increased as a result, and the design having been altered to be more in keeping with the character of neighbouring properties, the proposed dwelling is still an overdevelopment of the site, detrimental to the visual amenities and out of character with the surrounding properties which have significant rear gardens.

Background papers referred to during production of this report comprise all correspondence on files refs. 10/01637 and 11/02294, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces, thus would be out of character with the surrounding residential properties with significant rear gardens and contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 2 The proposal would be an overdevelopment of the site, out of character with the locality thereby detrimental to its visual amenities and character, contrary to Policies H7 and BE1 of the Unitary Development Plan and PPS 3.

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