

SECTION '2' – Applications meriting special consideration

Application No : 11/03103/FULL1

Ward:
Kelsey And Eden Park

Address : Meadowbrook 12 Kemerton Road
Beckenham BR3 6AD

OS Grid Ref: E: 538065 N: 169082

Applicant : Mr. S. Steventon And Co Ltd

Objections : YES

Description of Development:

Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats including basement for 16 car parking spaces/ bicycle parking (retention of building with revised siting from that permitted under refs. 09/01141 and 09/02956, including revised external materials, ramp and balcony balustrades, and provision of entrance gates)

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Tree Preservation Order

Proposal

Outline planning permission was granted in September 2009 for a three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with a basement for 16 car parking spaces and bicycle parking (ref.09/01141). Detailed approval of landscaping and appearance was subsequently granted in January 2010 (ref. 09/02956).

The building has now been erected, however the siting of the building is not as approved. The eastern corner of the building is approx. 4m further from the boundary with the nearest property fronting Oakhill Avenue and the south corner is approx. 3.2m closer to the boundary with No. 10 Kemerton Road. The west corner of the building is approx. 1m north of the approved siting and the north corner is approx. 2m south-east of the approved siting.

The scheme has also been revised as follows:

- front timber entrance gates will be provided
- revised location of entrance ramp and removal of tunnel

- glass balustrades to the balconies rather than steel railings
- 'mellowing' treatment for the roof tiles involving a mixture of soot, water, yoghurt and cow dung being matured for two weeks before being painted onto the tiles to provide instant weathering / ageing.

The application is accompanied by a design and access statement which includes the following comments:

- choice of materials is in keeping with the surrounding area
- there are restricted views of the property because of the foreground flats in Kemerton Road and the surrounding tree vegetation
- key views are from Oakhill residents abutting the site but they are looking at a new building in an isolated context and tiles relate well to chosen yellow London stock brick
- from Oakhill Road there is a wide range of bricks and tiles – many of the Victorian houses have brick elevations with a similar orange colour to the new roof – the orange looks particularly good against the verdant green trees surrounding the site.

Location

The appeal site is located on the southern side of Kemerton Road, Beckenham, which is a residential cul-de-sac linking to Wickham Road. The site is irregular in shape with a frontage to Kemerton Road and it adjoins the rear gardens of semi-detached properties fronting Oakhill Avenue along its north-west boundary. Kemerton Road comprises a variety of detached and semi-detached houses and modern purpose built blocks of flats and the wider area comprises a similar mixture of development.

Comments from Local Residents

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

- out of character
- excessive bulk and scale
- block extends further into rear of site / successive planning applications over many years have resulted in building being moved further back into site beyond rear building line of adjacent properties fronting Kemerton Road
- roof tiles out of character with area / slate tiles should have been used as indicated on approved plans / Council should insist on slate tiles
- proposal for 'mellowing' of roof tiles is a ridiculous solution
- breach of condition notice in respect of disapproved roof tiles should be served / stance on disapproved roof tiles should be maintained
- construction of building without planning consent and with use of alternative materials is a dereliction of the Council's responsibility
- concern at how matters are being handled, particularly given applicant's acquisition of adjacent site (Little Orchard)
- developer has been able to act as they wish

- misleading quotes from previous Inspector's reports
- applicant has disregarded opinions of local residents
- lack of consultation
- building should be demolished and rebuilt in a less harmful form
- better ways of using land for homes
- reduction in value of adjacent properties
- entrance gates will deter on-site car parking / entrance gates are unnecessary
- overlooking of Oakhill Road properties
- overlooking and loss of privacy at No. 10 Kemerton Road / increased overlooking as scheme has evolved / no other blocks on Kemerton Road overlook neighbouring properties to the same extent / revised siting increases overlooking / overlooking of Oakhill Road properties should not be considered more relevant than that of No. 10 Kemerton Road because there are more adjoining properties on Oakhill Road
- screening to adjoining properties is required / appropriate landscaping scheme should be provided
- no room for additional trees as building has been moved closer to Oakhill Avenue
- increased traffic / increased demand for on-street car parking
- larger vehicles will have problems accessing site
- difficulties in vehicles turning at end of Kemerton Road
- noise and light pollution at No. 10 Kemerton Road / increased disturbance from re-sited access ramp and removal of tunnel / car headlights will shine directly into No. 10
- disturbance from vibration at No. 10 Kemerton Road
- pollution from car fumes at No. 10 Kemerton Road / entrance gates will cause vehicles to stop and increase pollution
- main bedroom at No. 10 Kemerton Road is directly above access ramp
- intercom should be placed within site and not on Council owned land
- boundary fence has been erected 2m inside site boundary
- damage to lime tree subject to Tree Preservation Order to front of site.

Comments from Consultees

Environmental Health – no objections.

Highways – no objections.

Waste Advisors – no objections

Sustainable Transport (cycle parking) – no objections.

Planning Considerations

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

UDP

T1 Transport Demand

T2 Assessment of Transport Effects
T3 Parking
T5 Access for People with Restricted Mobility
T7 Cyclists
T18 Road Safety
H7 Housing Density and Design
BE1 Design of New Development
ER8 Noise pollution

London Plan

2.7 Outer London Economy
3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.6 Children and Young Peoples Play and Informal Recreation Facilities
3.8 Housing choice
3.9 Mixed and balanced communities
5.3 Sustainable Design and Construction
6.9 Cycling
6.13 Parking
7.1 Building London's neighbourhoods and communities
7.2 An inclusive environment
7.4 Local character
7.6 Architecture
7.21 Trees and Woodland.

Details of materials to comply with condition 4 of planning permission ref. 09/01141 were submitted retrospectively in June 2011 and were referred to Plans Sub Committee 2 on 18 August 2011 following complaints from local residents regarding the colour of the roof tiles. Members resolved that the details of materials be disapproved and a breach of condition notice be served. Discussions subsequently took place between the applicant and Council Officers and the applicant advised that they would be submitting a full planning application to seek to regularise the unauthorised siting of the building. The breach of condition notice was not served immediately as proceedings would have been halted pending determination of the planning application. The applicant is proposing a 'mellowing' treatment for the roof tiles to seek to address concerns regarding their colour.

Planning History

The recent planning history relating to the site is as follows:

- 01/01400/OUT – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and 21 car parking spaces refused planning permission on grounds of overdevelopment, harm to residential amenities, lack of affordable housing and inadequate parking in November 2001 – dismissed at appeal in April 2002 on grounds of harm to character and appearance
- 02/00354/FULL1 - Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 12 single and 2

double garages and 5 car parking spaces refused planning permission on grounds of overdevelopment, harm to residential amenities and inadequate car parking in February 2003 – dismissed at appeal in July 2003 on grounds of harm to character and appearance including visual impact from Oakhill Road properties

- 02/04386/FULL1 – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 12 single and 2 double garages and 5 car parking spaces refused planning permission on grounds of overdevelopment, harm to residential amenities and inadequate car parking in February 2003 – dismissed at appeal in July 2003 on grounds of harm to character and appearance
- 03/04596/FULL1 – Part two/three/four storey block comprising 14 two bedroom flats with 10 single and 3 double garages and 4 car parking spaces refused planning permission on grounds of harm to the character of the area in March 2004 – dismissed at appeal in March 2005 on grounds of harm to character and appearance
- 05/01707/OUT – Three storey block comprising 8 two bedroom and 4 three bedroom flats with 18 car parking spaces granted planning permission in October 2005
- 05/02710/OUT – Three storey block with accommodation in roof comprising 14 flats with 18 car parking spaces refused planning permission on grounds of harm to character and residential amenities in October 2005
- 06/00157/OUT – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 21 car parking spaces refused planning permission on grounds of overdevelopment harmful to character and residential amenities in March 2006 – allowed at appeal in December 2006
- 06/00170/OUT – Two/three storey block comprising 12 two bedroom and 2 three bedroom flats with 21 car parking spaces refused planning permission on grounds of overdevelopment harmful to character and residential amenities in March 2006
- 07/04661/FULL1 – Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats with 12 single garages, 2 double garages and 5 car parking spaces refused planning permission on grounds of harm to character and residential amenities by reason of siting and design in February 2008 – allowed at appeal in September 2008
- 09/01141/OUT - Three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and including basement for 16 car parking spaces/ bicycle parking granted planning permission in September 2009
- 09/02956 - Details of landscaping and appearance pursuant to outline permission ref 09/01141/OUT granted for three storey block with accommodation in roof comprising 12 two bedroom and 2 three bedroom flats and including basement for 16 car parking spaces/ bicycle parking approved in January 2010

An application has also been submitted seeking approval of the revised siting of the block as a minor material amendment to the previously approved scheme

(application ref. 11/03152). At the time of writing it is anticipated that the application will be refused under delegated authority as the siting of the block is considered materially different from that approved.

Conclusions

The principle of the development has been established through the most recent planning permissions therefore the main issues to be considered in this case are the highways implications of the entrance gates and the impact of the following on the character and residential amenities of the area:

- The applicant has submitted a plan illustrating the revised siting revised siting of the building
- revised siting of entrance ramp and removal of tunnel
- roof tiles with 'mellowing' treatment to create a weathering and aging effect
- glass balcony balustrades in place of steel railings
- timber entrance gates.

of the block compared to the siting approved under application ref 09/02956. The block has been twisted away from the rear boundaries of properties fronting Oakhill Avenue and the overall impact of overlooking of these properties is reduced. The block has been twisted closer to the boundary with No. 10 Kemerton Road but there remains a substantial separation where the boundary tapers away from the block and where the shift in its orientation is most significant. The block has been moved approx. 0.8m closer to the side wall of No. 10 Kemerton Road where there is a bedroom window, however the scheme approved at appeal in 2007 (LBB ref. 07/04661) included windows in similar proximity.

The entrance ramp has been shifted slightly away from the boundary with No. 10 Kemerton Road and there will be a brick wall 1.1m above ground level to reduce its noise impact. The entrance to the previously proposed tunnel would have been in line with the rear of No. 10 Kemerton Road and the revised arrangement may be preferable in that noise will occur in a more open environment rather than reverberating in the tunnel and emanating from its entrance where it will affect the closest rooms at No. 10 Kemerton Road.

The proposal to apply a 'mellowing' treatment to the roof tiles should result in a weathering and aging effect which will darken their appearance and address concerns regarding the impact of their colour on the character and appearance of the area.

The front entrance gates will not result in any adverse highways impacts and are considered acceptable in terms of the character of the area. The glass balcony balustrades are also considered acceptable in terms of the character of the area.

The revised scheme as built is not considered to result in any undue harm to the character and residential amenities of the area.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
ACA01R A01 Reason 3 years
- 2 ACA07 Boundary enclosure - no detail submitted
ACA07R Reason A07
- 3 ACB01 Trees to be retained during building op.
ACB01R Reason B01
- 4 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 5 ACH23 Lighting scheme for access/parking
ACH23R Reason H23
- 6 The bicycle parking hereby approved shall be implemented in accordance with the approved details and the bicycle parking facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 and Appendix II.7 of the Unitary Development Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 7 The arrangements for storage of refuse and recyclable materials hereby approved shall be completed before any part of the development hereby permitted is first occupied and shall be permanently retained thereafter.

Reason; In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 8 Details of the 'mellowing' treatment of the roof tiles shall be submitted to and approved in writing by the Local Planning Authority and the treatment shall be carried out in accordance with the approved details.

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

Reasons for permission:

In granting permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan and the London Plan:

UDP

- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T5 Access for People with Restricted Mobility
- T7 Cyclists
- T18 Road Safety
- H7 Housing Density and Design
- BE1 Design of New Development
- ER8 Noise pollution
- ER13 Foul and Surface Water Discharge from Development

London Plan

- 2.7 Outer London Economy
- 3.3 Increasing housing supply

- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.6 Children and Young Peoples Play and Informal Recreation Facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.4 Local character
- 7.6 Architecture
- 7.21 Trees and Woodland.

The development is considered to be satisfactory in relation to the following:

- (a) the appearance of the development in the street scene
- (b) the relationship of the development to adjacent property
- (c) the impact on the amenities of the occupiers of adjacent and nearby properties
- (d) the safety of pedestrians and motorists on the adjacent highway
- (e) accessibility to buildings
- (f) the housing policies of the development plan
- (g) the design policies of the development plan
- (h) the transport policies of the development plan

and having regard to all other matters raised.

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