

SECTION '2' – Applications meriting special consideration

**Application No :** 11/03688/FULL1

**Ward:**  
**Biggin Hill**

**Address :** 31 Church Road Biggin Hill TN16 3LD

**OS Grid Ref:** E: 542166 N: 159011

**Applicant :** Mr P Richards

**Objections :** YES

**Description of Development:**

Demolition of No. 31 Church Road and the erection of 4 detached bungalows served by a new access road

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area

**Proposal**

The proposal consists of the demolition of No.31 Church Road and the erection of four single storey dwellings to what is currently the rear gardens of Nos.31-37. An access road measuring 4.8 metres in width to the development will be provided via the existing vehicular access to No.31 with a new crossover provided. The access road will feature four parking spaces to the western edge with the provision of the planting three trees and the existing laurel hedge to the majority of the site boundary is to be retained.

Each of the proposed dwellings is of the same design except for the external materials to be used between plots 1 and 2 and plots 2 and 4. Each dwelling has a depth of between 9.2 metres and 10 metres with an overall width of 10.5 metres and a height of 4.8 metres to the ridge line of the half-hipped roof. A parking space is provided to the front of each property.

Three bedrooms are proposed, with the third being described as a bedroom/study. The main bedroom to the rear also features an en-suite bathroom, with a separate family bathroom. An open plan lounge, dining room and kitchen is proposed.

A distance of 13.2 metres is allowed for between the principal elevations of the proposed dwellings and the proposed rear boundary line of Nos. 33, 35 and 37 with trees to be planted as part of the boundary treatment. The dwellings will feature rear gardens with a depth of between 10.4 metres and 11.1 metres and a separation of 1.3 metres is allowed for each side of the shared boundaries giving a

total separation of 2.6 metres between each unit. The remaining gardens to Nos. 33-37 will measure some 28 metres in depth.

## **Location**

The application site is located to the northern edge of Church Road with Nos. 31-37 being small detached bungalows. To the west of No.31 is the Spitfire Centre which is situated within wooded grounds, whilst to the north the site adjoins the Biggin Hill Recreation ground, which is classified as Urban Open Space.

The surrounding area is characterised by single storey mainly detached chalet style dwellings with vehicular accesses.

## **Comments from Local Residents**

- the proposed backland development would set a precedent for further applications in the area.
- further strain would be placed upon local services such as schools and Doctors.
- the proposed access road would be on a bend and create a hazard.
- the development would be harmful to the character of the area.
- the development would be out of scale and character with the area.
- overlooking may result from any future loft conversions.
- there is insufficient parking.
- there would be a large increase in traffic causing pollution and accidents.

## **Comments from Consultees**

Highways have raised no objections subject to conditions, however it is considered that an additional parking space could be provided to the front of each proposed dwelling.

Thames Water has raised no objection.

The Council's Crime Prevention Design advisor has stated that the creation of a new access in place of No.31 will expose the rear gardens of Nos. 33-37 and as such defensible planting should be used with reinforced boundary treatments. A Secure by Design condition is requested should permission be granted, with no objections raised.

## **Planning Considerations**

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H1 Housing Supply

H7 Housing Density and Design  
G8 Urban Open Space  
T3 Parking  
T6 Pedestrians  
T18 Road Safety  
NE7 Development and Trees

London Plan Policy 3.4 Optimising Housing Potential

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS10: Planning for Sustainable Waste Management

### **Planning History**

Application ref. 06/01580 was refused and subsequently dismissed on appeal for the demolition of No.31 Church Road and the erection of 5 two storey detached dwellings on the grounds that:

The proposal involves the unacceptable sub-division of existing rear gardens and would result in an unsatisfactory form of backland development, out of character and scale with the area and detrimental to the amenities that surrounding residents.

The proposed access road in close proximity to No. 33 would be detrimental to the amenities of that residential property, by reason of the additional noise and disturbance likely to be generated by an increased use of the access.

If permitted, the proposed development would be likely to set a pattern for similar undesirable backland developments in the vicinity, resulting in a retrograde lowering of the spatial standards to which the area is at present developed.

Application ref. 07/02857 for the demolition of No.31 Church Road and the erection of 4 detached bungalows was refused on the grounds that:

The proposal involves the unacceptable sub-division of existing rear gardens resulting in an unsatisfactory form of backland development with the introduction of a mass of built form into mature garden setting which fails to integrate into and respect the setting of its surroundings thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

This proposal was subsequently allowed on appeal. This planning permission expired on 21st April 2011 and the current application is for the same scheme. In this decision the Inspector noted that the proposal constituted backland development, but considered that this did not make it unsatisfactory in principle.

### **Conclusions**

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.

Since the granting of planning permission on appeal for the scheme proposed under application ref. 07/02857, PPS3 has been updated by removing domestic garden land from the definition of previously developed land. Whilst the previous appeal decision remains an important material consideration, this application must be determined in light of the changes to PPS3 since the previous appeal was decided.

Paragraphs 40 and 41 of PPS3 make it clear that, whilst it is important for the full and effective use of land to be made for housing purposes, there is no presumption that previously developed land is necessarily suitable for housing or that all of the curtilage should be developed. Paragraph 16 of the Guidance refers, amongst other matters, to the need for development to integrate with and complement neighbouring buildings and the local area more generally in terms of scale, density, layout and access. Local distinctiveness should be enhanced.

With regard to the principles of development in this location in view of the recently updated guidance in the form of PPS3, it is noted that the land is not previously developed and as such there is no presumption that it is suitable for development. However, the Inspector in the previous case found that the proposed development could be satisfactorily accommodated on the site.

The current Government Policy reinforces the criteria set out in Policies BE1 and H7 regarding the design of new development relating well to the character of its surroundings and respect for the amenities of occupiers of neighbouring buildings. In particular, Paragraph 4.40 of Policy H7 states that backland development involving the development of land surrounded by existing properties, often using back gardens and creating a new access, will generally be resisted.

The UDP acknowledges the important role played by private gardens but is also states that such forms of development may be acceptable provided that it is small in scale and sensitive to the surrounding residential area. The proposed development would involve the use of a parcel of land which is fronted by existing built development, and would therefore be considered to constitute 'backland' development.

As such, the development is expected to be of small scale and sensitive to the surrounding residential area, with high standards of separation and landscaping provided. The proposed development has a density of some 17 dwellings per hectare, which approximately half the expected density identified for such a location by the London Plan with the indicative minimum density of 30 dwellings per hectare having been deleted from PPS3. It is also considered that the levels of separation proposed are significant whilst allowing for well proportioned gardens to be maintained to Nos. 33-37. The proposed access road is also some 40 metres from the rear elevation of No.39.

It is therefore considered that the design of the development itself is acceptable in terms of the impact it would have upon the amenities of the neighbouring residents. Whilst local objections have been raised regarding highway safety, the Council's Highways officer has advised that there are no objections in principle to the proposed access road in terms of road safety, however the number of parking spaces to the front of each dwelling could be increased to two spaces. The proposed road would need to be of an adoptable standard and waste collection would need to be agreed by way of condition.

The proposal represents the net increase of three dwellings to the area and as such contributes to the provision of additional dwellings as required by Policy H1. Members are reminded however that the Council does currently have an up to date five year supply of deliverable land for housing as of April 2011, which is a live document to be updated early in 2012. This illustrates that Bromley is able to meet its five year supply target of 2205 units with over 2500 identified deliverable units being identified.

The principle issue for Members to consider is therefore whether the proposed development constitutes an unacceptable sub-division of existing garden land in the form of backland development. Such development is not a feature of the area whilst single storey dwellings with large rear gardens are. The gardens of the existing properties also provide a buffer between the built environment and the Urban Open Space located to the rear in the form of the Recreation Ground.

Although the proposal will result in a change to the spatial standards of the area it falls to be considered whether this is acceptable in light of the previous appeal Inspectors conclusion that it was. The proposed houses are well separated from the adjoining properties, the distances between the dwellings themselves, some 2.6 metres, is less than the established spatial standards within the wider area. The proposal may also be visible to the Urban Open Space to the rear and this impact should be considered.

Having had regard to the above it was considered that the development in the manner proposed would not result in a detrimental impact upon the amenities of the neighbouring residents or upon road safety. However, Members are requested to consider whether the nature of the backland development being proposed is satisfactory in this instance in light of the changes to PPS3 which exclude the application site from previously developed land.

Background papers referred to during production of this report comprise all correspondence on file ref.11/03688, excluding exempt information.

## **RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED**

- |   |                 |  |
|---|-----------------|--|
| 0 | D00002          | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01<br>ACA01R | Commencement of development within 3 yrs<br>A01 Reason 3 years                             |
| 2 | ACA04           | Landscaping Scheme - full app no details   |

	ACA04R	Reason A04
3	ACA07	Boundary enclosure - no detail submitted
	ACA07R	Reason A07
4	ACC01	Satisfactory materials (ext'n'l surfaces)
	ACC01R	Reason C01
5	ACC03	Details of windows
	ACC03R	Reason C03
6	ACD02	Surface water drainage - no det. submitt
	ADD02R	Reason D02
7	ACD04	Foul water drainage - no details submitt
	ADD04R	Reason D04
8	ACH02	Satisfactory parking - no details submit
	ACH02R	Reason H02
9	ACH16	Hardstanding for wash-down facilities
	ACH16R	Reason H16
10	ACH19	Refuse storage - implementation
	ACH19R	Reason H19
11	ACH23	Lighting scheme for access/parking
	ACH23R	Reason H23
12	ACH29	Construction Management Plan
	ACH29R	Reason H29
13	ACH32	Highway Drainage
	<b>Reason:</b> To ensure the satisfactory means of surface water drainage and to accord with Policies 5.12 and 5.13 of the London Plan.	
14	ACI21	Secured By Design
	ACI21R	I21 reason
15	ACK05	Slab levels - no details submitted
	ACK05R	K05 reason
16	AJ02B	Justification UNIQUE reason OTHER apps

#### Policies (UDP)

BE1	Design of New Development
H1	Housing Supply
H7	Housing Density and Design
G8	Urban Open Space
T3	Parking
T6	Pedestrians
T18	Road Safety
NE7	Development and Trees

#### Policy (London Plan)

3.4 Optimising Housing Potential

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS10: Planning for Sustainable Waste Management

#### INFORMATIVE(S)

1	RDI16	Contact Highways re. crossover
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- 2 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposal involves the unacceptable sub-division of existing rear gardens resulting in an unsatisfactory form of backland development with the introduction of a mass of built form into mature garden setting which fails to integrate into and respect the setting of its surroundings thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and PPS3.

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