

SECTION '2' – Applications meriting special consideration

**Application No :** 12/00010/FULL1

**Ward:**  
**Cray Valley West**

**Address :** Land Adjacent 4 Lullingstone Close  
Orpington

**OS Grid Ref:** E: 546578 N: 170445

**Applicant :** Miss Sofie Barnett

**Objections : NO**

**Description of Development:**

Erection of a two storey three bedroom detached dwelling with 2 car parking spaces

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Sites of Interest for Nat. Conservation

**Proposal**

- The proposed dwelling will be centred on the site with amenity space available to the side.
- The footprint of the building will occupy an area 6.1m in width and 9.4m in length.
- The plot will include a garden to the east side and an area of hardstanding to the west for car parking and access.
- The dwelling will be two storey with a hipped roof and a maximum height of 7.9m.

**Location**

This disused site is located in the corner of a cul-de-sac currently containing 3 pairs of semi-detached dwellings, and was previously occupied by garages. The site is located between Nos. 4 and 5 Lullingstone Close, and is set behind the dwellings.

A similar vacant site, previously occupied by garages, is situated between Nos. 2 and 3 Lullingstone Close.

**Comments from Local Residents**

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

### **Comments from Consultees**

At the time of writing the report, no Building Control, Environmental Health, technical drainage and highways comments had been received. Further comments will be reported verbally at the meeting.

No Thames Water objections are raised subject to informatives.

### **Planning Considerations**

Policies relevant to the consideration of this application are BE1 (Design of New Development), H7, (Housing Density And Design), H9 (Side Space), T3 (Parking) and T18 (Road Safety) of the adopted Unitary Development Plan.

### **Planning History**

Outline planning permission was refused under ref. 09/01834 for the erection of a two storey four bedroom detached house with 2 car parking spaces. The refusal grounds were as follows:

‘The proposal would result in a cramped overdevelopment of the site lacking in adequate amenity area for future occupants and would be detrimental to the character of the area, resulting in a retrograde lowering of the spatial standards of the area and if permitted would set a precedent for similar undesirable development in the locality, contrary to Policies BE1 and H7 of the Unitary Development Plan.’

Outline planning permission was refused under ref. 10/03048 for the erection of a two storey three bedroom detached house with 2 car parking spaces. The refusal grounds were the same.

Planning permission was refused under ref. 10/02873 for the erection of a two storey three bedroom detached dwelling with 2 car parking spaces. The refusal grounds were as follows:

‘The proposal would result in a cramped overdevelopment of the site lacking in adequate amenity area for future occupants and would be detrimental to the character of the area, resulting in a retrograde lowering of the spatial standards of the area and if permitted would set a precedent for similar undesirable development in the locality, contrary to Policies BE1 and H7 of the Unitary Development Plan.’

This latest application was subsequently dismissed on appeal. The Inspector states:

‘The estate has a spacious and open character, particularly in Lullingstone Close, which contains just 6 houses, all with unusually large rear gardens,

and with a substantial open area between Nos. 4 and 5. The appeal plot is small by comparison with those existing, and is set at the rear-most edge of the developed land, adjacent to the open nature reserve. In this position it would not relate well to the existing houses, which are set closer to the cul-de-sac, and would have a rather contrived and 'squeezed-in' appearance which would not enhance the appearance of the group as a whole.

Further, the plot is a small one, and the house would appear to be cramped within the site, in contrast to the spacious layout of the surrounding properties. It would also be set at an oblique angle to Nos. 4 and 5, and would appear out of keeping with the existing arrangement of houses set parallel to or at right angles to each other. Despite the site's suitability in principle for residential use and the generous space between the adjacent houses, these features would together result in a development which would not fit in well with the present surroundings. I conclude that the proposal would have an adverse effect on the character and appearance of the immediate surroundings and would contravene Policies BE1 and H7 of the London Borough of Bromley Unitary Development Plan (UDP).'

Planning permission was granted at Plans Sub-Committee on the 14th April 2011 under ref. 10/02386 for a detached two storey three bedroom dwelling on land adjacent to No.3 Lullingstone Close.

## **Conclusions**

The main issues in this case are the effect of the proposals on the character of the surrounding area, and on the amenities of the occupants of nearby residential properties.

The dwelling granted at No. 3 is a detached two storey 3 bedroom dwelling with provision for the parking of 2 vehicles. This neighbouring plot is rectangular in shape (approximately 22.4m wide and 11-12m deep), and the dwelling granted will be located within the northern part adjacent to No. 3 Lullingstone Close, with the main amenity space located to the side adjacent to No.2. In comparison, the proposal site at No. 4 is 23m in length and 12m in width, therefore similar to the adjacent site. The proposed dwelling will have a height of 7.9m.

This application has been submitted following a dismissed appeal. The material considerations have changed since the permission recently granted at land adjacent to No. 3 Lullingstone Close, which mirrors this site.

Members will need to consider the planning history of the site and the history at the nearby similar site, where planning permission has recently been granted for a new house. Although the sites are similar, both must be considered on their individual merits and the dwellings proposed are not identical. The Inspector considered the dwelling previously dismissed at No. 4 to not fit in well with its surroundings. Members considered the dwelling adjacent to No. 3 to fit better within the street scene as it was smaller, and this proposal did not back onto Green Belt land as the current proposal at No. 4 does. Members therefore considered the spaciousness of the road to be retained by the proposal adjacent to No. 3. Members must consider

whether the current proposal overcomes these previous concerns in light of the recent permission nearby and the comments of the Inspector.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/01834, 09/03048, 10/02386, 10/02783 and 12/00010, 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 Commencement of development within 3 yrs  
ACA01R 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 ACH03 Satisfactory parking - full application  
ACH03R Reason H03
- 6 ACH32 Highway Drainage  
ADH32R Reason H32
- 7 ACI02 Rest of "pd" Rights - Class A, B,C and E  
ACI03R Reason I03
- 8 ACI13 No windows (2 inserts) first floor flank dwelling  
ACI13R I13 reason (1 insert) BE1
- 9 The gates to the parking spaces hereby permitted shall not open out over land outside the application site.

**Reason:** In the interests of public safety.

### **Reasons for granting permission:**

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

- BE1 Design of New Development
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety

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

- (a) the impact on the character of the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (c) the spatial standards to which the area is at present developed
- (d) the impact on highway safety

## INFORMATIVE(S)

- 1 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 2 Recent legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)
- 3 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 would result in a cramped overdevelopment of the site lacking in adequate amenity area for future occupants and would be detrimental to the character of the area, resulting in a retrograde lowering of the spatial standards of the area and if permitted would set a precedent for similar undesirable development in the locality, contrary to Policies BE1 and H7 of the Unitary Development Plan.

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