

Application No : 10/01199/FULL1

**Ward:
Petts Wood And Knoll**

**Address : Land Adjacent To 10 Westholme
Orpington**

OS Grid Ref: E: 545565 N: 166605

Applicant : Mr And Mrs T Edmonds

Objections : YES

Description of Development:

Two storey detached house with integral garage.

Proposal

The application proposes the erection of a two storey 4 bedroom detached house on garden land adjacent to the dwelling of 10 Westholme. The details of the proposal are summarised below:

- The proposed plot will have a frontage width of approx. 14.96m and a plot depth of just over 23m.
- the house will be set between approx. 5.8m – 7.6m from the back edge of the pavement in line with No.10
- a 1m side space is proposed to each flank boundary and the maximum height of the dwelling is approx. 7.8m to the ridge,
- the eastern flank depth of the building will be approx. 9.6m overall of which approx. 7.3m will be at a two storey height,
- the western flank will be approx.5.5m deep,
- no flank windows are proposed and all principal windows are shown in the front and rear elevation. All first floor rear windows which would serve bathrooms and landing space are proposed to be obscure glazed,
- an integral garage is proposed and surface car parking for 2 cars can be provided to the front of the building.

Location

The application site comprises the side garden of No.10 and an additional area of garden, once part of No.36 Mayfield Avenue which is also under the ownership of the applicant. To the east of the site within the garden of No.38 is a row of conifer trees. These trees appear level with the site however the remainder of No.38 is set on a lower ground level. To the north of the site is the garden of No.36 and to the west lies No.10 with its large rear garden. Opposite the site is 1a is a detached two storey dwelling permitted under ref. 88/4890 which formed part of the rear gardens of 40-42 Mayfield Avenue.

There is a gentle incline rising up the close towards the turning area. Westholme itself is a relatively narrow cul-de-sac comprising two storey detached properties set back from the road and within plots up to approx. 60m deep.

Comments from Local Residents

Numerous letters of objection have been received in respect of the application, including comments from the Knoll Residents Association which are summarised below:

- the development constitutes infilling which would be a dangerous precedent for other developments and would lead to overdevelopment of the residential area,
- the proposed development would stand substantially higher than the adjacent properties on Mayfield Avenue and would result in a loss of amenity and privacy,
- the proposal would be cramped overdevelopment of the site,
- noise, disturbance and obstruction of the highway during construction would be detrimental to residential amenity,
- the situation has not altered since the Inspectors last decision,
- similar proposals for development in Brookside on land to the rear of 26/28 Mayfield have recently been refused and as such the same principles should apply.

Comments from Consultees

No technical objections are raised in respect of the proposal from a Waste Services, Drainage, or Highways point of view subject to safeguarding conditions

No objections have been received from Thames Water.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density and Design
T3 Parking
T18 Road Safety

London Plan Policy 3A.1 Increasing London's supply of housing
Policy 3A.3 Maximising the potential of sites

This application has been brought to committee upon the request of the local Ward Member.

Planning History

There is a history of refusals of planning permission for the erection of a new dwelling on this land under refs. 19/74/1410 and 97/2239. More recently permission was refused under refs. 02/03943 and 03/01267 for a detached three bedroom house both of which were subsequently dismissed on appeal.

The differences between the schemes under ref. 02/03943 (Appeal A) and ref. 03/01267 (Appeal B) related to primarily to the plot width with the inclusion of a single garage and side space of 1m to No.10 and 0.6m to the boundary with No.38 (appeal a) and the provision of more space about the building in Appeal B due to the deletion of the garage.

The Inspector considered that in respect of the dwelling proposed in Appeal A that, “while the actual depth of the plot would not be visible from public viewpoints, the consequences of the lack of depth would be clearly apparent in the street scene. It would result in an overdevelopment of the site and would fail to reflect the more spacious character of the road or surrounding area” (para 11.)

In respect of Appeal B, the Inspector acknowledged that the scheme was less cramped as the omission of the garage allowed for more space about the building. However, the Inspector again considered that the house would still be sited significantly forward of other houses fronting Westholme, relatively close to the road. He considered that this would be visually intrusive in the street scene and would demonstrate that the site has insufficient depth to satisfactorily accommodate the house which would be harmful to the character of the area.

It is also noted that the Inspector in assessing the above appeals did not consider that either scheme would have an overbearing impact or would significantly harmful to the living conditions of occupiers of adjoining properties by reason of the effect on outlook or loss of privacy.

In addition, Members may be aware of the development of a detached dwelling at No.1a Westholme permitted under ref. 88/4890 which has subsequently been extended by the grant of permission under ref. 02/01497/FULL1 for a single storey rear and under ref. 05/00835/FULL6 for a first floor side extension.

Local representations received in respect of this application have also referred to the recent refusal of a 4 bedroom dwelling on land to the rear of 26/28 Mayfield Avenue under ref. 08/01524. This application was refused on the grounds of overdevelopment, out of character and detrimental impact upon residential amenity.

Conclusions

The main issue in this case impact of the development upon the site and surrounding area, its impact upon adjoining and nearby residential properties.

The proposed two storey dwelling with a plot width of over 14m is comparable with neighbouring development. Since the determination of the previous planning appeals, the revised scheme includes a greater depth of the plot extending to approx. 23.5m (when scaled from the submitted drawings) compared to the original plot size of just 17m in depth. The enlargement of the application site has allowed for the dwelling to be set further back from the road to be in line with No.10 which is considered to overcome the previous Inspectors concerns regarding the forward siting of a house on this site and its visual impact upon the street scene. The frontage dimensions and proposed siting are therefore now comparable with neighbouring development.

The new dwelling will extend virtually the full width of the plot and will maintain the minimum side space separation of 1m to each flank boundary. No objections are seen to the aesthetics of the design of the building and its position within the plot with a maximum rear garden depth of just over 10m allows for greater space to the front and rear of the building. However, it is acknowledged that even with the enlargement of the site, the overall plot depth is less than neighbouring properties which vary between 30-60m.

With regard to the impact of the proposed dwelling upon nearby residents it is acknowledged that built development will be introduced into an area where none has previously existed and the orientation is such that there will be a change experienced from these properties in outlook and general lighting. The dwelling would extend above the conifer trees along the boundary and the two storey part of the house would be approx. 23m from the rear of No.38 which is considered an acceptable degree of separation. Reasonable distances between No.36 Mayfield Avenue and No.1a Westholme will also be maintained to not adversely impact upon the amenities of the occupiers of these properties.

In addition, no flank windows are proposed to the dwelling and the first floor rear windows (with the exception of the window to the stairwell) are proposed to be obscure glazed, and as such, it is unlikely that a serious degree of overlooking would result. Any potential for overlooking can be controlled through planning conditions restricting the insertion of new windows and the requirement to provide obscure glazing and boundary screening/planting to the rear boundary.

On balance therefore, it is considered that the proposed development seeks to overcome the previous concerns raised by the Inspector by increasing the depth of the site and by setting the dwelling back further into its plot, reducing its impact upon the street scene. Whilst this allows for greater space to the front and rear of the building, Members will need to consider whether the scheme now proposed; with the increase in plot depth is now an acceptable form of development which can be carried out without detrimental harm to the character of the area and visual and residential amenity in general.

Background papers referred to during production of this report comprise all correspondence on files refs. 74/1410, 97/2239, 02/03943 and 03/01267, 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'nl surfaces)
ACC01R Reason C01
- 5 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 6 ACH09 Restriction on height to front and flank
ACH09R Reason H09
- 7 ACH32 Highway Drainage
ADH32R Reason H32
- 8 ACI02 Rest of "pd" Rights - Class A, B,C and E
ACI03R Reason I03
- 9 ACI12 Obscure glazing (1 insert) as shown on drawing ET 902-01
ACI12R I12 reason (1 insert) H7 and BE1
- 10 ACI13 No windows (2 inserts) flank dwelling
ACI13R I13 reason (1 insert) H7 and BE1
- 11 A side space of 1m shall be provided between the flank walls of the dwelling hereby permitted and the flank boundaries of the property.
ACI10R Reason I10

12 Reasons for granting permission:

In granting 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
- T3 Parking
- T18 Road Safety

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 character of the development in the surrounding area
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties
- (e) the safety of pedestrians and motorists on the adjacent highway
- (f) the provision of satisfactory living accommodation for future residents
- (g) the housing, transport and environmental policies of the UDP

and having regard to all other matters raised.

INFORMATIVE(S)

1 RDI10 Consult Land Charges/Street Numbering

2 RDI16 Contact highways re. crossover

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

- 1 The proposal would be an overdevelopment of the site, out of character with the locality thereby detrimental to its visual amenities contrary to Policies H7 and BE1 of the Unitary Development Plan.

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