

SECTION ' 6' – Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 10/00909/FULL1

**Ward:
Biggin Hill**

**Address : 49 Sunningvale Avenue Biggin Hill TN16
3BX**

OS Grid Ref: E: 541558 N: 159490

Applicant : Viola Properties Ltd

Objections : YES

Description of Development:

Erection of terrace of six 3 bedroom houses and terrace of three 2 bedroom houses, ancillary car parking, bin storage and new access road from Sunningvale Close.

Key designations:

Biggin Hill Noise Contours
Sites of Interest for Nat. Conservation

Proposal

- This proposal relates to the erection of nine residential dwellings comprising one terrace of six houses and another terrace of three. An access road will be formed off Sunningvale Close to serve the development.
- The six-house terrace (plots 1-6) will be sited toward the western part of the site and incorporate a footprint measuring approximately 30m x 10m. These properties will incorporate roofspace accommodation at second floor level with dormers added along the rear elevation. Given the sloping nature of the site, these houses will appear as two storey properties from the front elevation (8.3m in height) and three storeys (10.3m) at the rear – facing Sunningvale Avenue. On average, the rear gardens will measure 11m in depth.
- The three-house terrace (plots 7-9) will be sited to the east of plots 1-6. These will be built to a conventional 2 storey height up to 7.9m in height, and will incorporate an overall footprint measuring approximately 18m x 8m. The rear gardens will measure up to 8m in depth.
- The access road will be built off Sunningvale Close, approximately 60m away from the junction with Sunningvale Avenue. This will project northwards with the proposed houses fronting this road. The proposal also involves the improvement of Sunningvale Close and pedestrian access with sight lines

enhanced at the junction between Sunningvale Avenue and Sunningvale Close. Fourteen off-street parking spaces will be provided, mainly in front of the proposed houses, whilst a turning head will be added off the new access road. The submitted plans indicate that the access road could be expanded to serve any future development at the adjoining site at No 41 Sunningvale Avenue.

Location

The application site forms an irregular shaped plot measuring 0.37ha in area and is situated to the east of Sunningvale Avenue, and adjoins Sunningvale Close along its southern boundary. The site rises steeply from west to east. To the rear of the site is a large steep bank which is densely wooded with mature landscaping. The north of the site adjoins the residential curtilage of No 41 Sunningvale Avenue which originally formed part of a larger development site incorporating the land at Nos. 41 and 49. This site does not form part of the current application. The area of land fronting Sunningvale Avenue which originally formed part of the curtilage of No 49 (within which 6 dwellings were originally proposed, but dismissed at appeal) no longer forms part of the current proposals. This area contains a substantial group of trees and will form a wedge between the proposed terrace of six and Sunningvale Avenue.

The site contains a number of mature trees and hedges which are described in an accompanying arboricultural report and is the subject of a Tree Preservation Orders 73 and 1517. The land to the east of the site is Urban Open Space, which is also a Site of Interest of Nature Conservation in the Unitary Development Plan.

Comments from Local Residents

Nearby owners/occupiers were notified of the application. Representations have been received which may be summarised as follows:

- this proposal is likely to lead to an overdevelopment of the site similar to proposals which have previously been refused and is a precursor to further applications
- development will undermine the scenic quality of the area
- both sites at Nos. 41 and 49 should be treated as a whole or else the developer will achieve a piecemeal of what has previously been attempted
- access road is shown left heading in the direction of Nos. 31 to 47 Sunningvale Avenue, so that access for further development is possible
- proposed terraces are of unattractive design and not typical of the local housing density or style
- development will adversely affect the enjoyment of existing residents' properties
- proposed bin area would be undesirable
- the surrounding area contains many trees and is not urban in character
- concerns for wellbeing of trees on the site and protection of scenic quality of the area

- concerns as to provision to protect large badger sets to the north of the site
- concerns as to how neighbouring gardens will be fenced off from development site
- concerns previously raised by planning inspector have not been addressed and this development is similar to rejected proposals
- deeds show that local residents have a legal interest in Sunningvale Close and are each responsible for one-eighth of cost of its maintenance
- Sunningvale Close is adopted by residents and the developer does not have a right to access the development from this road
- there is a statutory boundary fence erected by the original developer which clearly defines the boundary between No 49 Sunningvale Avenue and Sunningvale Close properties
- access to development should be provided directly off Sunningvale Avenue
- concerns relating to capacity of drainage system to serve the proposed development and damage to existing road from construction vehicles
- concerns relating to noises, fumes and nuisance from cars emanating from the development
- development will result in parking congestion
- inadequate parking provision
- concerns as to how emergency vehicles would access the development
- vehicle safety concerns relating to Sunningvale Close
- there is already sufficient housing provision in Biggin Hill

Comments from Consultees

No technical highways objections have been raised, subject to appropriate conditions, including the making up of Sunningvale Close prior to the commencement of the development. Questions have been raised in relation to the ownership of Sunningvale Close which would have to be resolved privately.

No objection has been raised by the Tree Officer, subject to appropriate conditions being added to any permission.

No technical Drainage or Environmental Health objections have been raised, subject to conditions.

No objection has been raised by Thames Water.

Planning Considerations

Policies Unitary Development Plan Policies are BE1 (Design of New Development), H7 (Housing), NE3 (Development and Nature Conservation Sites), NE7 (Development and Trees), T3 (Parking) and T18 (Road Safety).

Planning History

There is extensive planning history attached to this site, which has been the subject of previous planning applications and appeals.

Planning permission was refused under ref. 89/03583 for 2 detached houses with an access road at 37-41 Sunningvale Avenue. The subsequent appeal was dismissed. The Inspector considered that the site formed a prominent and attractive feature of great importance in the wider landscape and that the proposed development would be damaging to both character and appearance of the area. The Inspector also found that the degree of overlooking and loss of privacy would be unacceptable, given the sharply rising nature of the land.

An application for 5 detached houses and 18 semi-detached houses with associated parking and access road at 41 and 49 Sunningvale Avenue (ref. 04/00522) was refused on the following grounds:

1. The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties might reasonably expect to be able to continue to enjoy
2. The proposed development, would create an unacceptable amount of disturbance to a badgers sett, creating the risk of future abandonment,
3. The proposed development would necessitate an unacceptable loss of protected trees which contribute to the visual amenities and character of the surrounding area
4. The scale of the proposed development is considered to be excessive and would amount to overdevelopment within the context of the significant physical constraints of the site, including protected woodland, active badger setts and steep gradients.

A subsequent appeal was dismissed. The Inspector commented that:

“The group value of the trees on the appeal site is attributable in part to the rural ambience that they bring to the street scene of this part of Sunningvale Avenue. However, of even greater importance, in my judgement, is their prominent presence in the wider landscape and, in particular, their contribution to the vistas available over longer distances from Arthur Road, Oaklands Lane and the rising valley slope to the west. In these views, the trees on the appeal site merge indistinguishably with the woodland above and behind them and thus form an integral part of an important landscape feature.

Although the steep wooded escarpment rising behind the appeal site would remain untouched in longer views from the west, there would be considerable erosion and masking of foliage at its base, above the roofline of existing frontage properties in Sunningvale Avenue. Rather than reading as a simple

restoration of an overgrown domestic landscape and being assimilated into the area with minimal impact, the proposed development would, in my judgement, seriously diminish the scenic quality of the hillside.”

The Inspector also commented that there would be an unacceptable degree of overlooking of Nos. 33B and 35A Sunningvale Avenue and an unacceptable loss of outlook at No. 47 Sunningvale Avenue.

Planning permission was again refused under reference 05/02385 for 10 semi-detached and 8 detached houses with associated parking and access road at 41 and 49 Sunningvale Avenue on grounds 1-3 as per the previous application and the following grounds that:

1. The proposed does not include on site provision of affordable housing units
2. Development in the manner proposed will infringe Biggin Hill Airports protected surface and compromise conditions of safety contrary to the Civil Aviation Authority's guidelines for safeguarding the airport.

Under application ref. 06/04524 an application concerning the development of the sites at 41 and 49 Sunningvale Avenue with 18 houses (2 detached, 10 semi-detached, and 6 terraced houses) with associated parking and access from Sunningvale Close was refused on the grounds that:

1. The proposal would be overdominant and would be detrimental to the amenities that the occupiers of adjoining properties including those in Sunningvale Close might reasonably expect to be able to continue to enjoy by reason of visual impact overlooking and disturbance associated with the access
2. The proposed development would necessitate an unacceptable loss of protected trees, which contribute to the visual amenities, and character of the surrounding area
3. The scale of the proposed development, particularly in respect of the terraced units, is considered to be excessive and would amount to overdevelopment within the context of the significant physical constraints of the site, including protected woodland and steep gradients.

The 2006 application was subsequently part allowed and part dismissed at appeal, the Planning Inspector dismissing the appeal in relation to plots 2 – 7 concerning the front of the site fronting Sunningvale Avenue (a part of the site which does not form part of the current application) . The Inspector allowed the appeal insofar as it related to plots 1 and 8 – 18.

In considering the proposal, the Inspector concluded that:

“the development of plots 1 and 8- 18 of the proposal would not have an unacceptable effect on trees and on widely visible views but that the development proposed on plots 2-7 would cause an unacceptable loss of groups of trees significant in widely visible views.”

However, the Inspector did not consider that the proposal would cause such an adverse effect on the living conditions of nearby residents to justify dismissing the appeal. He was satisfied that the layout of the part of the site on which he permitted the development would adequately balance the need to achieve a reasonable residential density with the need to preserve trees.

In 2008 three applications concerning the sites at Nos. 41 and 49 Sunningvale Avenue were submitted but subsequently withdrawn. There are set out in the following table:

08/00715 – site at 41 Sunningvale Avenue	Demolition of remains of dwelling and erection of part 3 part 2 storey four bedroom dwelling with integral garage
08/01069 – sites at 41 and 49 Sunningvale Avenue	Demolition of existing buildings and erection of nine 4 bedroom detached dwellings, 2 detached garages with associated parking and access road from Sunningvale Close
08/01946 – site at 41 Sunningvale Avenue	Demolition of existing buildings and erection of nine 4 bedroom detached dwellings, 2 detached garages with associated parking and access road from Sunningvale Close

Conclusions

The key issues to be considered relate to the impact of the proposal on the visual amenities of the area and whether this proposal overcomes concerns raised in previous applications.

Of particular relevance is the appeal decision issued in relation to the 2006 application (ref. 06/04524). In that case, 12 houses were allowed and 6 considered unacceptable. Along the Sunningvale Avenue frontage the Inspector recognised that the houses proposed within this area would mean the loss of two significant groups of trees. The importance of these two groups derives from their contribution from across the valley to the west, and in part to the rural ambience that they bring to the street scene of this part of Sunningvale Avenue. Since these 6 houses have been removed from this proposal the key objection cited in the previous case has demonstrably been overcome.

The principle of creating an access road off Sunningvale Close was also accepted by the Inspector in the 2006 application. The Inspector in that case added a condition that that cul-de-sac would be made up. A similar condition is proposed with regard to this application, although it is considered that such work should occur prior to the main

development commencing so as to maintain adequate access arrangements to the existing properties fronting Sunningvale Close.

A key consideration relates to the overall impact of the 9 houses proposed in this application and how these compare visually and in prominence to the houses approved under the 2006 application. With regard to the terrace of 6, these will be sited within a similar position to the semi detached houses permitted at plots 8-11 of the 2006 scheme. In view of their height, it is considered that the visibility and prominence of these properties will be comparable to the semis permitted under that earlier application. The units at 7-9 which will be located along the eastern side of the proposed access road will be in a similar position to unit 12 of the approved 2006 scheme and the conventional 2 storey design of these properties will reflect the flat nature of this part of the site.

With regard to affordable housing, given the number of units proposed and overall size of the site, there is no requirement for such units to be provided. However, should the number of units be increase either within this particular site, or by conjoining the sites at Nos. 41 and 49, the Council may seek for a proportion of the properties to be affordable.

With regard to neighbouring amenity, given the siting of the proposed houses and their separation from surrounding properties, it is not considered that the amenities of surrounding properties will be adversely affected. This issue had, to a large extent, been addressed in previous proposals and it is not considered that this development will be significantly more prominent within the vicinity than the part of the 2006 application allowed at appeal.

With regard to the impact of the proposal on badgers and air safety, these matters were considered in the 2006 application and subsequent appeal, but were not deemed to be issues that would justify refusing the application. In this case, the proposed development will be situated well away from the badger setts situated within the curtilage of the adjoining property at No 41.

Taking the above matters into account it is recommended that permission be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 04/00522, 05/02385, 06/04524 and 10/00909, excluding exempt information.

as amended by documents received on 27.05.2010

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 No development shall commence until a scheme for the making up of Sunningvale Close to adoptable standard has been submitted to and approved in writing by the Local Planning Authority and the making-up is completed in accordance with those details. Any damage to the road shall be repaired to the satisfaction of the LPA before any dwelling hereby permitted is occupied.
 ACH26R Reason H26
- 3 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 4 ACA07 Boundary enclosure - no detail submitted
 ACA07R Reason A07
- 5 ACK09 Soil survey - contaminated land
 ACK09R K09 reason
- 6 ACI02 Rest of "pd" Rights - Class A, B,C and E
- Reason:** To prevent an overdevelopment of the site and in the interest of residential amenity and the visual amenities of the area, in accordance with Policies BE1 and H7 of the Unitary Development Plan.
- 7 ACB18 Trees-Arbicultural Method Statement
 ACB18R Reason B18
- 8 ACB19 Trees - App'ment of Arbicultural Super
 ACB19R Reason B19
- 9 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 10 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 11 ACH10 Provision of sight line (3 inserts) 43m x 2.4m x 43m the
 ACH10R Reason H10
 junction of Sunningvale Close with Sunningvale Avenue 1m
- 12 ACH17 Materials for estate road
 ACH17R Reason H17
- 13 ACH29 Construction Management Plan
 ACH29R Reason H29
- 14 ACH32 Highway Drainage
 ADH32R Reason H32
- 15 ACD04 Foul water drainage - no details submitt
 ADD04R Reason D04
- 16 Notwithstanding the details shown on the approved drawings, details of the proposed slab levels of the buildings and existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed in accordance with the approved details.
 ACK06R K06 reason
- 17 ACN04 Badgers-superv'sn of works close to sett
 ACN04R Reason N04

- 18 At least four bat boxes shall be erected on trees to be retained before any work commences on site.
ACN05R Reason N05
- 19 Before any dwelling is first occupied, details of a scheme for the management of any land on site outside the curtilage of any dwelling shall have been submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be in operation.
ACB06R Reason B06
- 20 No dwelling shall be occupied until integrated solar electric and thermal hot water systems have been installed on each dwelling and are operational in accordance with the sustainable and energy efficient development statement submitted with the application.
ADL01R Reason L01
- 21 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 22 ACA05 Landscaping scheme - implementation
ACA05R Reason A05
- 23 ACA06 Size and type of trees
ACA06R Reason A06
- 24 ACA08 Boundary enclosures - implementation
ACA08R Reason A08
- 25 ACB01 Trees to be retained during building op.
ACB01R Reason B01
- 26 ACB02 Trees - protective fencing
ACB02R Reason B02
- 27 ACB03 Trees - no bonfires
ACB03R Reason B03
- 28 ACB04 Trees - no trenches, pipelines or drains
ACB04R Reason B04
- 29 ACH14 Grad of access drives (unmade road) (1) 1 in 10
ACH14R Reason H14
- 30 ACH26 Repair to damaged roads
ACH26R Reason H26
- 31 ACH33 Car Free Housing
ACH33R Reason H33
- 32 ACI18 No additional hardstanding
ACI18R I18 reason

Reasons for permission:

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

- BE1 Design of New Development
- H7 Housing Density and Design
- NE7 Development and Trees

T3 Parking
T18 Road Safety

The development is considered satisfactory in relation to the following:

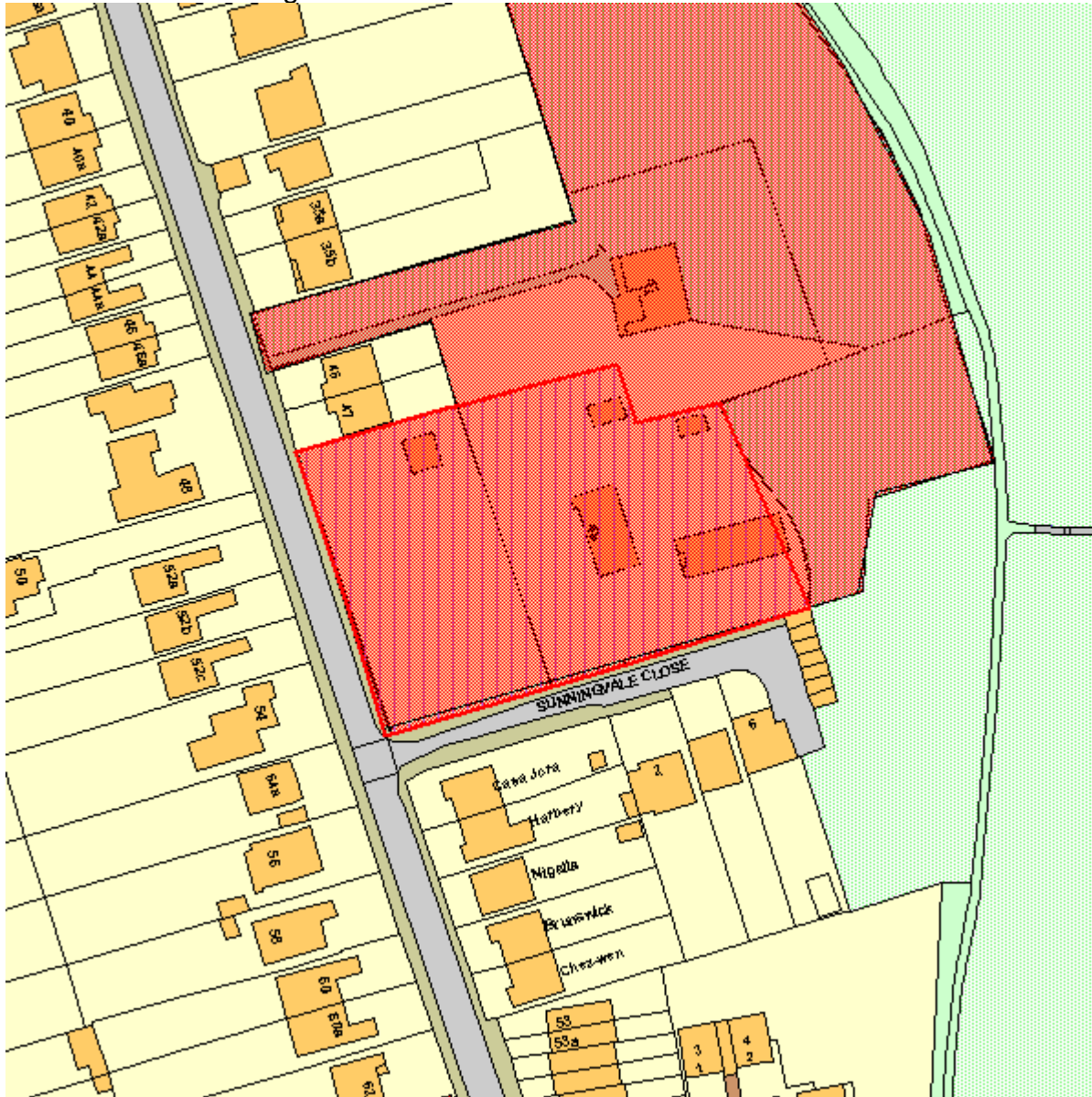
- (a) the appearance of the development in the street scene;
- (b) the relation of the development to the adjacent property;
- (c) the character of the development in the surrounding area;
- (d) the impact on the amenities of the occupiers of adjacent and nearby properties;
- (e) the impact of the development on surrounding trees
- (f) the light and outlook of occupiers of adjacent and nearby properties;
- (g) the privacy of occupiers of adjacent and nearby properties;

and having regard to all other matters raised.

Reference: 10/00909/FULL1

Address: 49 Sunningvale Avenue Biggin Hill TN16 3BX

Proposal: Erection of terrace of six 3 bedroom houses and terrace of three 2 bedroom houses, ancillary car parking, bin storage and new access road from Sunningvale Close.



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