

SECTION '2' – Applications meriting special consideration

Application No : 10/00750/OUT

Ward:
Orpington

Address : Garage Compound Adjacent 111 Eldred Drive Orpington

OS Grid Ref: E: 547664 N: 165994

Applicant : Ms Lorna Buchan

Objections : NO

Description of Development:

Erection of 3 two storey three bedroom terraced properties with roofspace accommodation.

OUTLINE APPLICATION

Proposal

This outline application relates to layout, scale and access of the proposed development. The proposed terrace would occupy a terrace measuring approximately 15m (w) x 12m (d) and align with the neighbouring dwelling at No 111 at the front. The indicative front elevation shows that the terrace would maintain a similar height and roof design as the neighbouring dwelling at No 111.

The proposal would result in the loss of a maple tree located to the front of the site within the south western corner of the site. The submitted plans indicated that a replacement tree would be planted within the opposite corner. During recent discussions the applicant has also offered to contribute toward new trees to be planted within the vicinity of the site given the loss of the maple tree. This offer would need to be subject to a legal agreement as it would relate to works outside the site.

Location

The site fronts Eldred Drive and is occupied by a garage block of 15 units. The block is in a semi-derelict state with the site now being cordoned off from Eldred Drive by close boarded fencing. The surrounding area is predominantly residential in character.

Comments from Local Residents

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

Comments from Consultees

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

Planning Considerations

Unitary Development Plan Policies are BE1 (Design of New Development), H7 (Housing), NE7 (Development and Trees) and T3 (Parking).

Objections have been raised by the Trees Officer relating to the loss of a purple leafed maple leaf tree which is situated to the front of the site within a grass verge. This is considered to maintain a prominent location in the streetscene and in view of its local prominence has been made the subject of a tree preservation order (No 2371).

Planning History

Under application ref. 08/03875, outline planning permission for a terrace of five two storey houses which would have been built toward the western boundary of the site was refused on the following grounds:

The proposal constitutes a cramped overdevelopment of the site, out of character with the area and lacking in adequate amenity area for future occupants, and if permitted would set a precedent for similar overdevelopment within the area, resulting in a retrograde lowering of the spatial standards to which the area is at present developed, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal would be detrimental to the amenities of the occupiers of the adjacent residential properties by reason of loss of prospect, visual impact and an unacceptable degree of noise and disturbance due to the siting, design and scale of the proposal, thereby contrary to Policy BE1 and H7 of the Unitary Development Plan.

The application was subsequently dismissed at appeal, the Appeal Inspector considering that the development would result in “an uncomfortable relationship with the rear garden to No. 111 Eldred Drive” and that “the relationship of the proposed houses to the western boundary would be obvious in rear views from a number of the neighbouring properties... the houses would appear as though they had been squeezed into the site. This would be in direct contrast to their more spacious surroundings and would be seen as being out of character.”

The Inspector also considered that given their proximity to the patios serving the proposed houses “the occupants of No. 111 Eldred Drive are likely to suffer from noise and disturbance and, because the patio areas abut virtually the full length of their garden, this is likely to cause material harm to their living conditions.”

Furthermore, the Inspector noted that:

“The indicative drawings show that it should be possible to design the houses in such a way that, despite their proximity to the western boundary, there would be no overlooking of the rear garden of No. 111 Eldred Drive. However, I find it unlikely that two storey houses could be satisfactorily designed such that there was also no overlooking of the rear gardens of the properties on Rye Field.”

In his conclusions, the Inspector considered that “the proposed development would appear cramped and would fail to complement the more spacious qualities of the surrounding area.”

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area, the impact that it would have on the amenities of the occupants of surrounding residential properties, and whether the loss of the maple tree subject of a TPO is acceptable.

In comparison to the 2008 application the number of units proposed has been reduced from five to three and the proposed houses would front Eldred Drive. Consequently, it is considered that concerns relating to neighbouring amenity, in particular overlooking, visual impact, loss of prospect and noise and disturbance have been overcome since the rear of the application site will mainly comprise garden areas. With regard to their appearance within the streetscene the indicative elevations show that the proposed houses would maintain similar proportions as the existing houses fronting Eldred Drive, and that their plot sizes would be commensurate with neighbouring dwellings.

Whilst it would appear that concerns previously raised by the Council and by the Appeal Inspector have been addressed, in contrast to the previous application, this proposal would result in the loss of a mature purple leafed maple tree located to the front of the site within an unenclosed grass verge. It is considered that this tree contributes to the character of the streetscene and visual amenities of the area. Whilst the proposal includes a replacement tree which would be planted within the south eastern corner of the site, and it is noted that the applicant has offered to provide contribute toward new trees within the area, these are not considered adequate given the loss of the existing tree and would take several years to mature.

Background papers referred to during production of this report comprise all correspondence on files refs. 08/03875 and 10/00750, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

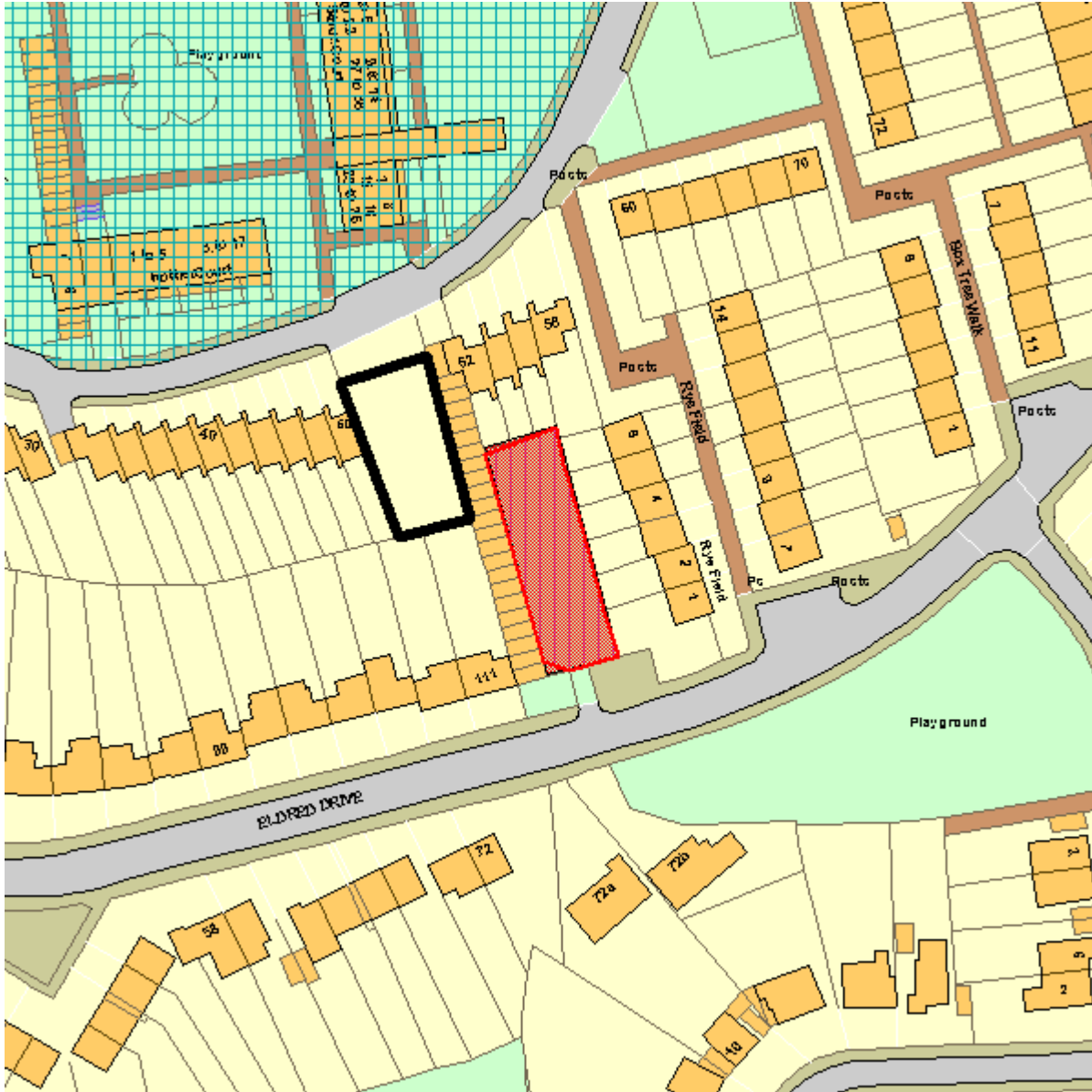
- 1 The proposal would result in the loss of a mature maple tree subject to Tree Preservation Order No 2371 which contributes significantly to the visual amenities of the area and the proposal would therefore be contrary to Policies BE1 and NE7 of the Unitary Development Plan.

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OUTLINE APPLICATION



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