

SECTION '2' – Applications meriting special consideration

Application No : 10/01350/FULL1

Ward:
**Bromley Common And
Keston**

Address : Land At Langham Close Bromley

OS Grid Ref: E: 542189 N: 165987

Applicant : Heltfield Ltd

Objections : YES

Description of Development:

2 detached two storey five bedroom dwelling with integral and detached garage and access road at land at Langham Close

Key designations:

Conservation Area: Bromley, Hayes and Keston

Proposal

- Planning permission is sought for 2 detached houses (indicated as Plots 4 and 5) bringing the total up to 7 dwellings.
- Plots 1 and 2 were granted planning permission under ref. 06/04235 and have now been constructed.
- Plot 3 was allowed on appeal after being refused under planning ref. 08/00264 and is currently under construction.
- Plots 7 and 8 were granted permission under planning ref. 07/02420.
- The proposed houses are of a traditional design with facing materials being predominantly brick.
- The rear gardens are of an irregular shape but extend to between 14.5m and 18m in depth.
- Plot 4 has an integral single garage whilst plot 5 incorporates a detached double garage.

Location

The application site is situated on the north-western side of Gravel Road and comprises an irregular plot of 0.14 hectares. The surrounding area is residential in character with the area to the west of the site forming part of Bromley, Hayes

and Keston Common Conservation Area. There protected trees to the western boundary of the site.

Comments from Local Residents

There have been both letters of support and objection submitted in relation to this application which are summarised below:

Support

- proposal would complete the development of this unused land to an outstanding level
- proposal represent a good use of derelict land
- the development is excellent and an asset to the local community

Objection

- the gardens of the maisonettes at Trinity Close are not comparable with rear gardens in the vicinity
- the close proximity of plot 5 to maisonettes in Trinity Close would result in a loss of outlook and privacy
- the proposal will result in worsening natural drainage and localised flooding if the ground is unable to absorb the excessive rainfall
- the site is an important habitat for badgers who have been observed adjacent to the site
- buildings currently surrounding the site are complimentary to the established architecture, the proposed house are not

Comments from Consultees

Drainage: the views of the Head of Building Control on the use of soakaways for disposal of surface water should be obtained. If soakaways are not an acceptable method of drainage, it should be noted that this site is within the area where the Environment Agency – Thames Region requires restriction on the rate of discharge of surface water from new developments into the River Ravensbourne or its tributaries including storage if necessary.

Building Control: comments received will be reported verbally.

Environmental Health: if during any works on site suspected contamination is encountered which has not been previously identified. Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority.

Thames Water- no objections raised subject to suggested informative.

Highways: there are no objections in principle from a highways point of view. However owing to the limited length of the drive to Plot 4 and the narrowness of

the access road at this point, the required 6m manoeuvring space is not available to users of the drive, making it impractical to use. Also plot 5 having a double garage has at least 4 parking spaces. In addition however, what appears to be some form of turning area is incorporated into the plot, which appears unnecessary and could well serve for the parking of up to 3 additional cars. Whilst I consider it reasonable, where double garages are proposed, to accept that 4 parking spaces would result any further parking provision would be unacceptable and contrary to Policy T3. Further detail of the need for the "turning facility" is required in order to assess the acceptability of such a layout.

Trees - A Tree Preservation Order has recently been made for the large oak tree at the front of Plot 5. The tree survey accompanying the application arrives at the following conclusions which are concurred with by the Council's own Tree Officer

- the development can proceed with the retention of all the significant trees on the site
- the removal of four category C trees will have little impact on the landscape of the area
- no irresistible post development pressures are anticipated.

Any further comments will be reported verbally.

Planning Considerations

Under ref. 08/00264, a scheme for 5 detached houses was allowed on appeal. The Council originally refused the application on the following grounds:

The proposal, by reason of the size, siting and number of units proposed, represents a cramped overdevelopment of the site, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal, given the size, design and positioning of the proposed house on Plot 4 will have an undue impact upon the amenities of the neighbouring residential properties due to the loss of privacy, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposal would prejudice the retention of one of the protected trees on the site and the replacement of protected trees that have been removed without consent, thereby contrary to Policy NE7 of the Unitary Development Plan.

Members should also be aware that Costs were awarded to the appellant against the Council on the basis that the third ground of refusal was not substantiated.

The main issues considered by the Inspector were whether the proposed development was cramped on the site, its impact on the neighbour's privacy and outlook, and its impact on trees. The Inspector concluded that:

- “The increase in the site area and introduction of a fifth house will have little impact on the remaining sense of spaciousness or the rural character of the site, particularly as the site has been increased in size.
- I find the appeal scheme would be neither unacceptable nor significantly greater than that of the approved scheme.
- I can understand that any reduction in privacy would not be welcomed by the occupier (of Middle House), but the appeal site is in an urban area subject to considerable pressure for housing development.
- Overall therefore I conclude on this issue that the proposed development would not cause unacceptable harm to the amenities of neighbours.
- I consider the proposal would not have an unacceptable impact on protected trees
- I do not think that the parking arrangements would be inadequate.
- I note that Middle House is in a Conservation Area, but there is no suggestion that the development has any impact on the Conservation Area.”

Planning History

Permission was granted under ref. 06/04235 for the demolition of No.20 Gravel Road and the erection of 4 detached houses (3 five bedroom and 1 four bedroom). Permission was later granted under ref. 07/02420 for elevational alterations and the enlargement of Plot 1.

Under ref. 06/02502, planning permission was dismissed at appeal for 5 detached houses the Planning Inspector stated that there would be an unacceptable level of overlooking and loss of privacy.

Planning permission was refused and dismissed at appeal under ref. 06/00619 for 6 detached houses (06/00619) for the following reason:

The proposal, given the size, design and positioning of the proposed houses on plots 1 and 2, and the position of the access drive, will have an undue impact upon the amenities of the neighbouring residential properties due to the loss of privacy and prospect and due to noise and disturbance respectively, thereby contrary to Policies H.2 and E.1 of the adopted Unitary Development Plan (September 2002) and Policies 4B.1 and 4B.7 of the London Plan.

The Planning Inspector stated that significant harm would be caused to the outlook and privacy of the residents of No. 12 Gravel Road which could not be overcome by condition.

Under planning ref. 09/01303, planning permission was refused and later dismissed at appeal for the erection of 5 detached houses with garages. In reaching his decision the Inspector focused on the 3 houses not yet built which focuses on a comparable development as the current application. With regard to the layout of the scheme the Inspector concluded:

“Notwithstanding the stepped layout, the properties would still be quite close together, with little additional spacing than between the already constructed properties or those of the permitted scheme, despite the increase in the overall numbers of properties. The sheer amount of built form extending right up to the end of the site would clearly be evident when within the development and the mass of built form towards the north-western end of the site would be seen from other surrounding properties and gardens.”

With regard to the privacy and outlook of occupiers of nearby dwellings the Inspector concluded as follows:

“...proposed plot 5 would be somewhat closer to the rears of Nos. 15 and 16 and, while angled slightly away, would be at less of an angle than would be the case with proposed plot 6 and the rears of Nos. 13 and 14...there would be a reduction of privacy compared with the permitted scheme for occupiers of Nos 15 and 16 when in their main facing rooms and remaining rear gardens. However, I consider that the loss of privacy for those occupiers would not be so serious as to be unacceptable although it would be noticeable. I am of the same opinion with respect to the change in outlook which those occupiers would experience as a consequence of the proposed scheme”.

In concluding the Inspector stated:

“I consider the determining issue in this appeal to be the harm to the character and appearance of the surrounding area which would be caused if I were to allow this appeal.”

Planning Considerations

In considering the application the main policies are H1, H7, H9, BE1, T3 and T18 of the Unitary Development Plan. These concern the housing supply density and design of new housing/new development, the provision of adequate car parking and new accesses and road safety.

Government guidance in the form of PPS3 “Housing” generally encourages higher density developments in appropriate locations, while emphasising the role of good design and layout to achieve the objectives of making the best use of previously developed land and improving the quality and attractiveness of residential areas, but without compromising the quality of the environment.

The London Plan now also forms part of the development plan where Policies 4B.1, 4B.3, and 4B.7 are relevant.

Conclusions

The current application site is comparable with that previously refused and dismissed under planning ref. 09/01303 in that the site area is for the most part unchanged except for the exclusion of those parts of the site where development has long since commenced under a previous permission, also an increase of approx. 6.5m in the depth of the amenity space attached to maisonettes in Trinity Close. The main difference is the number of dwellings proposed which has been reduced from 3 to 2.

The principle issues in this case is whether the likely impact of the proposed scheme on the character and appearance of the surrounding area, and on the amenities of neighbouring residential properties, having particular regard to the density, layout and design of the proposed scheme. Regard must also be given to the findings of the Inspector in dismissing the previous proposal.

Clearly the proposal represents an improvement on the previous application in that the reduced density allows for a less intensive use of the site and the spatial setting of the scheme is more spacious. In addition there has been an improvement in the depth of the amenity area of nos. 13-15 Trinity Close from 10.5m to approx. 17m. However, this has been at the expense of a significant reduction in the back to side distance of the proposed dwelling and the maisonette block in Trinity Close. Where previously there closest dwelling had been at a semi oblique angle approx. 23m away, the two buildings are now for a significant proportion opposite one another and the back to side distance has been reduced to approx. 17m . The issue of outlook is therefore of particular relevance in this instance in terms of the impact on visual amenities of occupants of 13-16 Trinity Close.

Members should carefully consider the relationship with adjoining development in particular whether the house proposed at plot 5 would be unduly harmful to occupants in Trinity Close as a result of loss of outlook and also whether the relationship between plot 4 and the house under construction at plot 3 is acceptable given the minimum distance between them reduces down to 1.5m.

Members will also note that the impact on trees is not considered to be harmful to their retention.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/01303 and 10/01350, excluding exempt information.

RECOMMENDATION: MEMBERS' VIEWS ARE REQUESTED

- | | | |
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| 0 | D00002 | If Members are minded to grant planning permission the following conditions are suggested: |
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |

- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACA08 Boundary enclosures - implementation
 ACA08R Reason A08
- 4 ACB01 Trees to be retained during building op.
 ACB01R Reason B01
- 5 ACB02 Trees - protective fencing
 ACB02R Reason B02
- 6 ACB03 Trees - no bonfires
 ACB03R Reason B03
- 7 ACB04 Trees - no trenches, pipelines or drains
 ACB04R Reason B04
- 8 ACB16 Trees - no excavation
 ACB16R Reason B16
- 9 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 10 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
- 11 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 12 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 13 ACH23 Lighting scheme for access/parking
 ACH23R Reason H23
- 14 ACH27 Arrangements for construction period
 ACH27R Reason H27
- 15 ACH29 Construction Management Plan
 ACH29R Reason H29
- 16 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In the interest of amenities of adjoining residents.

- 17 No windows, other than those shown on the permitted plans shall be inserted in the first floor flank elevations of the houses.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of amenities of adjoining residents.

- 18 Before the development hereby permitted is first occupied, the proposed windows in the first floor flank elevations of the proposed houses shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 19 The strip of land between 22 and 44 Gravel Road shall be retained as undeveloped garden land.

Reason: In the interest of the amenities of the adjacent properties.

- 20 AJ02B Justification UNIQUE reason OTHER apps

Policies (UDP)

- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- BE1 Design of New Development
- T3 Parking
- T18 Road Safety

INFORMATIVE(S)

- 1 Please be aware that 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 If during any works on site suspected contamination is encountered which has not been previously identified, Environmental Health should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- 3 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

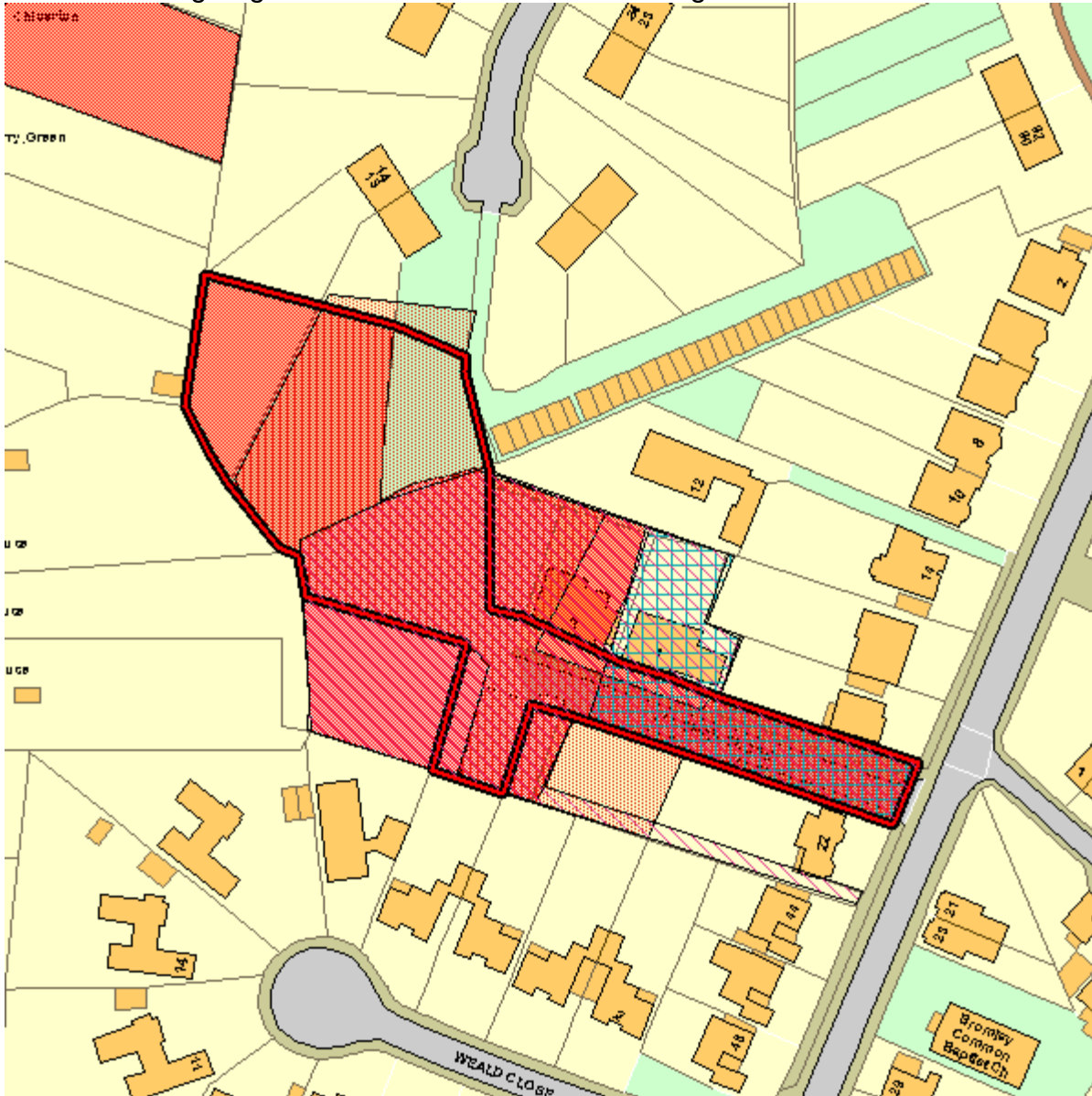
D00003 If Members are minded to refuse planning permission the following grounds are suggested:

- 1 The proposal, given the positioning and size of the proposed house on plot 5 will have an undue impact on the amenities of the neighbouring properties at Nos 13-16 Trinity Close by reason of loss of outlook, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 2 The proposal, given the positioning of the proposed house on plot 4 in relation to the approved house at plot 3 would result in an cramped and awkward relationship harmful to the spatial character of the proposed development and the "Langham Close" scheme as a whole thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

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