

SECTION '2' – Applications meriting special consideration

Application No : 12/01303/FULL1

Ward:
Copers Cope

Address : 32 Church Avenue Beckenham BR3 1DT

OS Grid Ref: E: 537344 N: 169598

Applicant : Mr & Mrs Lennie O'Connor

Objections : YES

Description of Development:

Erection of detached two storey four bedroom house with associated car parking and refuse and replacement garage for No. 30 at land rear of 32 Church Avenue.

Key designations:

Areas of Archaeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
Flood Zone 3
London City Airport Safeguarding
London City Airport Safeguarding Birds
Locally Listed Building

Proposal

Planning permission is sought to erect a two storey four bedroom detached dwelling at the land rear of No.32 Church Avenue. The proposed dwelling is contemporary in design and would feature render, wooden cladding and natural stone. The ground floor would comprise an open plan kitchen/diner, with a study and living room, and the proposed first floor would have 4 bedrooms each with direct access to a bathroom. At present there is a raised decked area which would be removed to provide the proposed car parking and detached replacement garage for No.30.

The application has been submitted with the following documents:

- Ecological Assessment
- Archaeological Desk-Based Assessment
- Arboricultural Development Statement
- Tree Survey
- Flood Risk Assessment

The application also includes proposed site section drawing which shows the proposed house in relation to the properties in Church Avenue and the permitted flatted scheme on the adjacent site.

Location

The application site is accessed via a shared access road which runs between Nos. 32 and 34. The proposed house would be set to the rear of Nos. 32 - 38 Church Avenue. The application site is adjacent to Urban Open Space (but does not itself form part of the designated land), is a site of Archaeological Significance and is also site within Flood Zone 2/3. The site is covered by TPO 740, it is a woodland order and covers a wide area to the rear of Church Avenue and The Drive.

Comments from Local Residents

Nearby neighbours were notified of the proposal and the responses received (including the Copers Cope Area Residents' Association) are summarised as follows:

- does not reflect character of the area
- will affect privacy of neighbours
- many set precedent for similar developments
- many residents have lived in Church Avenue a long time and plan to remain there
- does not comply with UDP policies
- design does not reflect area
- suggested that green roof would be advantageous to neighbouring properties but does not reflect those existing houses
- tandem development
- noise and disturbance
- access for fire-fighting appliances
- inadequate refuse arrangement
- inaccuracies in the reports
- backland development
- inadequate access
- development located more than 20m from a road with a continuously hard paved surface
- development is not a housing type to address local shortage
- protection of trees
- removal of trees would make schemes more visible
- insufficient space to access proposed garage
- small lake of water has been filled in without a proper survey
- siting will impact on right of way for others
- disturbances during building works
- dispute over ownership regarding neighbours
- garden grabbing
- Secure by Design
- located within an area of significant Archaeological interest

- formal approval has not been given to the re-siting of garage of No.30
- impact of garage on No.30
- garden at No.30 much lower
- existing deck already overlooks adjoining property
- will have view of parked vehicles
- queries over ownership of access road

There have also been 3 letters of support of the application which can be summarised as follows:

- good design
- positive effect on the back land
- improve security- there are often trespassers
- will soften visual impact of the permitted flattened schemes
- proposal would widen access driveway which would be better for residents as would be easier access to all adjacent properties that use at present
- design has consideration for neighbours
- does not impinge on peaceful surroundings
- plans are eco-friendly
- consideration should be given to permitted three storey flats on adjacent site
- cannot see why permission should be granted for large scheme and not that proposed
- type of build would be beneficial for the area

It is noted that a full copy of these letters can be found on file re. 12/01303. Any further comments received will be reported verbally at the meeting.

Comments from Consultees

Country Management – site is not protected for nature conservation nor did the ecological assessment find protected species

English Heritage – no objections raised in principle subject to suggested conditions

Natural England – no objections raised in principle

Environmental Health – no objections raised

Metropolitan Police – no objections to the proposal

Drainage/Thames Water– no objections in principle subject to suggested conditions

Highways – access road is acceptable in terms of car parking but emergency/service and refuse vehicles would have difficulty servicing the site

Environment Agent- no objections in principle subject to conditions

Planning Considerations

The main policies that are relevant for this application are as follows:

Unitary Development Plan:

- BE1 Design of New Development
- H7 Housing Density and Design
- H9 Side Space
- NE3 Nature Conservation and Development
- NE5 Protected Species
- NE7 Development and Trees
- NE8 Conservation and Management of Trees and Woodlands
- T3 Parking
- T18 Road Safety

London Plan:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 5.3 Sustainable Design and Construction
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage

Members will note that the National Planning Policy Framework (NPPF), which was adopted in March 2012 is also relative in this case.

Section 7 of the NPPF (Paragraph 56) states the Government attaches a great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 of the NPPF adds that: "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Section 6 of the NPPF (Paragraph 53) states: "local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

Planning History

There is no recent history on the land relating to the application, although No.32 benefits from a loft extension (ref. 07/04004), a single storey rear extension (ref. 07/04304) and a raised deck and balustrade at the rear (ref. 10/02505).

Members will recall that there is a long planning history to the adjacent site (Land Rear of 86 to 94 High Street Beckenham). The cases of most relevance are ref. 11/01168, which permitted the extension of time for implementation of ref.

04/02976 which was granted on appeal for a total of 38 flats, and ref. 11/02100 is currently being considered by the Planning Inspectorate for 44 flats.

Conclusions

The main issues in this case are whether this type of development is acceptable in principle in this location, 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.

With regard to the principle of the development, the site by reason of its location is considered to be defined as a 'backland' site. The guidance provided within the NPPF (Paragraph 53) encourages LPAs to set out policies to resist inappropriate development of residential gardens, in particular where the development would cause harm to the local area. This would also appear to add weight to the Council's UDP Housing chapter which states, in Paragraph 4.40, that: "Backland development, involving development of land surrounded by existing properties, often using back gardens and creating a new access, will generally also be resisted. Private gardens can be of great importance in providing habitats for wildlife, particularly in urban areas."

The proposed dwelling would be located to the rear of properties in Church Avenue, but would be served by an existing access road. Although the site is not directly used as part of the immediate garden of No. 32, it does form part of previously undeveloped land. Members should take into account the recent permission for the flatted developments on the adjacent site, and the impending appeal on that site. However the application site does not benefit from any such permission and should be considered on its own individual merits.

It is noted that the topography of the site is set a lower level than the rear gardens of the properties in Church Avenue. The proposed dwelling would be sited towards the boundary with the rear access road. This section of the site, although lower than the rear gardens in Church Avenue, is set at a higher level than the southern part of the site. The sectional drawing submitted with the application shows that the two storey section of the property would be from the rear access road and properties in Church Avenue.

With regards to the impact of the proposed upon the residential amenities of the adjacent properties, the proposed dwelling has been designed to minimise overlooking due to the minimal use of windows in the northern elevation (facing Church Avenue). It is considered that although there are windows sited within the southern, eastern and western elevations, Members may consider that the existing mature screening at the site may mitigate any severe loss of amenity to the permitted flats at Land Rear of 86 to 94 High Street Beckenham and No.30 Church Avenue.

With regard to trees on the site, the area is protected by TPO 740 which is a woodland order that covers a wide area to the rear of Church Avenue and The Drive. The proposed house would mean the loss of 3 sycamore trees and the

garden area the loss of 4 trees, 3 of which are either dead or in a very poor condition. It is considered that whilst some tree management would be appropriate, it is also considered that the principle of residential development within a protected woodland area would be unacceptable.

The Council's Highways engineer does not raise objections with regard to the proposed parking at the site, but there are concerns regarding the existing access road in that emergency/service and refuse vehicles would have difficulty servicing the site.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/01303, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal, by reason of its size and siting, would constitute an inappropriate form backland development within a protected woodland, thereby contrary to Policies BE1, H7 and NE8 of the Unitary Development Plan.
- 2 The proposed development does not provide adequate servicing of the site, contrary to Policy T17 of the Unitary Development Plan.

INFORMATIVE(S)

- 1 You are advised that this application is considered to be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). The Levy will appear as a Land Charge on the relevant land with immediate effect.

If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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