

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 12/01528/OUT

Ward:
Mottingham And Chislehurst
North

Address : 52 Grove Park Road Mottingham
London SE9 4QB

OS Grid Ref: E: 541647 N: 172512

Applicant : Crownchoice Developments

Objections : YES

Description of Development:

Erection of 2 dwellings on land to rear of No. 52 Grove Park Road. (OUTLINE APPLICATION)

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding Birds
Local Distributor Roads

Proposal

Outline planning permission is sought for the erection of two detached dwellings and enclosures on land to rear of No. 52 Grove Park Road and associated access road. At present, permission is sought for means of access and layout, with appearance, landscaping and scale forming the reserved matters. This application should be considered in conjunction with the ongoing application planning ref: 12/01526.

Indicative plans provided show the proposal to comprise two detached two storey dwellings (with maximum height of 8m). In terms of the layout, the dwellings would be orientated to face towards the rear of No. 52 Grove Park Road, with a separation of approx. 27m to be provided between these properties, a rear garden depth of between approximately 7.2m – 11.5m. Regarding access, a private road would be provided between the flank elevation of No. 52 and flank boundary with No. 50.

The application site is currently comprised of a detached two storey single family dwellinghouse and the proposal is for the construction of two residential properties within the residential curtilage of this site. The area is primarily characterised by

large detached dwellings with sizeable rear gardens, however, in close proximity to the application site is 44 – 48a Grove Park Road and Hall View which are smaller scale detached and terrace dwellings with modest rear gardens and a different appearance and character from the majority of properties in the area. To the north of the site are Sports Grounds which is designated Metropolitan Open Land.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and representations were received which can be summarised as follows:

- overdevelopment of site in attempt to maximise profits detrimental to local community and character of area.
- visual impact and loss of privacy and prospect for adjoining neighbours which have open aspect and feeling of space.
- proposed narrow driveway onto Grove Park Road would constitute a danger and difficult for emergency services and unsafe for pedestrians.
- similar development was permitted at 90 Grove Park Road and if all properties were developed in this piecemeal would result in narrow entrances opening onto Grove Park Road with increase in traffic, danger, parking, pollution and noise.
- proposed entrance dangerously close to east bound bus stop and Hall View.
- result in change of character in area by piecemeal developments.
- set a precedent and establish undesirable pattern for infilling of area with high quality homes being replaced by poor quality developments.
- limited parking spaces for proposed development potential for on-street parking obstructing cycle lanes.
- detrimental impact on wildlife gardens which provide habitat for variety of species.
- houses in Grove Park Road recently considered for addition to the Local List suggesting the road is of special architectural/historic interest.
- site is not brownfield development site and is not Previously Developed Land as such object to principle of development.
- adverse impact on residential amenity of neighbouring properties particularly Nos. 50, 52 and 54 and also future residents.
- insufficient distance between rear elevation of No. 52 and front elevation of proposed dwellings.
- plan fails to show where refuse bins will be stored or access arrangements.
- insufficient area for vehicles to manoeuvre should more than one car enter the site.
- proposal has no contextual reference and is at odds with street layout and streetscape.
- concerns in relation to the documentation submitted as part of the application.
- design and layout of dwellings are extremely poor with studys not required for dwellings of this size.
- use of obscure glazing to windows as a means of resolving issue of overlooking given insufficient distance between proposed and existing dwellings is unacceptable.

- not relevant to compare proposal to development at Hall View which is of a different scale and context to current proposal.
- proposed buildings are not of a similar scale to the bulk of the properties on Grove Park Road.
- proposal would result in loss of openness and views to rear as plot measuring 18.3m in width less than 3m permeability through to sports ground making buildings appear one large, solid mass.
- property at No. 52 not designed from access to rear which has been created through demolition of part of the existing building.
- adverse impact on enjoyment and amenity of gardens of Nos. 50, 52 and 54. Properties will be shadowing and overbearing and provision of window in sides of buildings is unacceptable.
- two trees have already been felled.
- affect value of neighbouring properties.
- building in back garden would result in loss of security for neighbouring properties.
- watercourse would be damaged by proximity to new buildings and risk of flooding to other properties would be increased.
- concerns relating to irrelevant matters and omissions in Sustainability Statement, Lifetime Homes Statement is flawed.
- cycle storage facilities not indicated on plans and would be difficult to accommodate internally.
- no room for visitor parking.
- access to public transport is not as indicated in Sustainability Statement with school buses passing twice per day during school terms and stations 0.8m and 1 mile away rather than virtually outside.
- concerns for disabled visitors and wheelchair users being able to access site along 40m unmade track to Grove Park Road.
- no plans to indicate approach would be lit. Would result in unsafe access to site.
- sizes of rooms and proximity of doors in hallways some of which open outwards would make it difficult for wheelchair users to circulate or downstairs cloakroom which appears to be 50cm wide with no room for shower.
- difficult to provide through-the-floor lift without reducing size of bedroom that movement for wheelchair would be impossible and bathroom would be inaccessible.
- concerns site notice was not displayed.
- concerns proposal would result in two entrances with more vehicles coming and going from additional 2 houses.
- Mottingham Residents Association have objected as the proposal is contrary to Policy H2 of the UDP, PPS3 and NPPF. Proposal is out of character with locality with mix of buildings varying ages and styles characterised by well spaced, mature homes with long front and rear gardens. Contrary to Policy G6 which requires a buffer zone between MOL and urban environment. Development is not comparable with Hall View which is not backland development but redevelopment of 3 houses with exceptionally large garden in 1972 when planning regulations were very different and access is via a fully adopted road with a pavement.

Development behind 90/92 Grove Park Road also irrelevant as it was a much larger and less open site. Development not an asset to neighbourhood concerns regarding condition of access and houses were not sold and are currently in multi-occupation with increase in parking on Grove Park Road, increase in noise and loss of privacy for neighbours. Proposal contrary to T13(i) and H7(vi) of UDP. Design contravenes BE1 and H7 (iii) (iv) of UDP. Proposal less than 7m from water course which runs along boundary of Policy ER16 (i) (ii).

- symmetry of No. 52 has been destroyed by removal of single storey extension to provide access to rear.
- houses are small and poorly designed, close together and out of context.
- gardens and amenity space are limited and outlook from front onto 1.8m fence with leylandii saplings 12m away is poor.

Comments from Consultees

The Council's Highways Division was consulted who stated the site is located to the north of Grove Park Road; Grove Park Road (B226) is a London Distributor Road (LDR). The applicant is proposing to utilise an existing vehicular crossover to access the site via access road (approx. 3.40m wide) from Grove Park Road leading to car parking spaces. Although only 1 space per unit is indicated on the submitted plan, as there are spaces available within the site curtilage (for car parking) no objections are raised subject to conditions.

The Council's Environmental Health Division raise no objections to the proposal.

The Council's Waste Advisors were consulted who stated no access or turning area for refuse vehicles have been shown so allowance would have to be made for siting refuse and recycling at junction with Grove Park Road.

The Council's Highways Drainage Section state that the site is within the area in which 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. No objections were raised subject to conditions.

Thames Water raised no objections in relation to sewerage or water infrastructure.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan and the London Plan:

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Sidespace
- G6 Land Adjoining Green Belt of Metropolitan Open Land
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

Supplementary Planning Guidance (SPG) 1 General Design Principles
Supplementary Planning Guidance (SPG) 2 Residential Design Guidance

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments

The National Planning Policy Framework is also a key consideration in the determination of this application.

Planning History

In 2011 under planning ref. 11/03322, permission was refused for a part one/two storey rear and first floor side extensions, new vehicular access to provide in/out drive on the following grounds.

In 2012 under planning ref. 12/00131, permission was granted for a part one/two storey side/rear extension, new vehicular access to provide in/out drive, associated landscaping.

There is an ongoing application under planning ref. 12/01526 for the erection of two 2 storey 3 bedroom detached dwellings and associated landscaping and boundary enclosures on land to rear of No. 52 Grove Park Road.

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

Although central government guidance in the form of the National Planning Policy Framework (NPPF) now replaces Planning Policy Statement 3 it may be considered that the thrust of the guidance otherwise remains the same and assessment must be given on the merits of the application with regard to the character, appearance and amenities of the area.

The National Planning Policy Framework (NPPF) makes it clear that, whilst it is important for the full and effective use of land to be made for housing purposes and that there is a presumption in favour of sustainable development, there is no presumption that garden land is necessarily suitable for housing. Indeed paragraph 53 of the NPPF 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". The Council has such a policy in place in the form of Policy H7 of the Unitary Development Plan (UDP), which in turn is fully supported by Policy 3.5 of the London Plan.

Policy H7 of the UDP which outlines the criteria applications for new housing must meet requires, inter alia, that the site layout, buildings and space about buildings recognises and complements the qualities of the surrounding areas. Paragraph 4.39 of the UDP, one of the explanatory paragraphs to Policy H7 states "many

residential areas are characterised by spacious rear gardens and well separated buildings. The Council will therefore resist proposals which would tend to undermine the character or which would be likely to result in detriment to existing residential amenities. "Tandem" development, consisting of one house immediately behind another sharing the same access, is generally unsatisfactory because of the difficulties of access to the house at the back and disturbance and lack of privacy suffered by the house in front".

In this instance, the principle of the development is considered to be at odds with the more ordered frontage development of this part of Grove Park Road, which at present primarily comprises detached dwellings with generous private gardens at the rear. Indeed, the fact that a single storey side extension at No. 52 was required to be demolished to facilitate vehicular access to the site is indicative of the unsuitability of the site for development. The access road to be provided would directly abut both the flank elevation of No. 52 and flank boundary resulting in a cramped appearance which would appear incongruous in the streetscene.

In the instance of Hall View a development of 5 detached and three terraced dwellings located to the rear of Nos. 44 – 48a Grove Park Road which appears to have originally been granted permission under planning ref. 71/2277 (granted for 4 detached 2 storey 4 bedroom houses, linked in pairs by integral garages, 2 detached 2 storey 4 bedroom houses, 3 2 storey 2 bedroom terraced houses and block of 5 garages) the access road is separated from the flank elevations of Nos. 44c and 46 by a distance of approximately 3m on both sides which reduces the cramped appearance of the development and results in a more ordered appearance in the streetscene. In addition, given this close proximity to the flank elevations of Nos. 52 and 50 the access proposed is likely to result in an unacceptable impact on the amenities of adjacent dwellings resulting in undue noise and disturbance as a result of vehicular movements to and from the site, contrary to Policy H7.

Paragraph 3.34 of the London Plan also provides guidance in terms of development on garden land and states "directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern". The loss of garden land on this site is considered to be a key concern as the open nature of the plot greatly adds to the spacious suburban character of the area.

Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

The proposal seeks to alter the established character of the area by introducing two 2 storey dwellings to the rear of the Nos. 52, reducing the rear garden of No. 52 from approximately 46m to approximately 12.5m. The current proposal would

also result in a minimum depth of approximately 7.32m and maximum depth of 11.7m from the rear elevation of the proposed dwellings to the rear boundary which results in a rear garden area which is considerably smaller than that of surrounding properties which generally benefit from sizeable rear gardens of approximately 40m in depth or greater.

Although Mount View, a cul-de-sac of detached and terrace properties, is located in close proximity to the site this was a purpose built development and involved the demolition of the original dwellinghouses as opposed to the construction of two dwellings in the rear garden of an existing property.

As required by Policy G6 the gardens of the existing properties to the north of Grove Park Road also provide a buffer between the built environment and the Metropolitan Open Land located to the rear in the form of Sports Ground. The addition of two dwellings in the rear garden of No. 52 is considered to result in an adverse impact on the visual amenities and open character of the area contrary to Policy G6.

The proposed dwellings themselves would span almost the entire width of the site, with less than the minimum 1m side space required to the flank boundaries, contrary to Policy H9 and minimal space provided between dwellings, which would be likely to appear cramped and out of character with the more spacious development to this part of Grove Park Road.

The accompanying Design and Access Statement makes reference to two schemes which involved the construction of residential properties in former garden land – 90 Grove Park Road for which outline permission was originally granted in 2008 under planning ref. 07/04512 and Hall View which as previously stated was granted in 1970. The context of these sites both differ from the application site and in addition there has been a significant change in planning policy between the granting of planning permission for the above applications and the current scheme, namely the now superseded PPS3 and adoption of the London Plan and NPPF which as referenced above both support the Council's position in resisting backland development.

The accompanying Design and Access Statement also states the application site is currently a brownfield development site and a vehicular access way has been provided to the side of No. 52. However, it is essential to note this vehicular access has been severed from the recently permitted in/out driveway at No. 52 granted under ref. 12/00131 as opposed to a purpose built entrance. In addition, while a fence has recently been erected in the rear garden of No. 52 which acts as a form of physical separation dividing the rear garden; functionally the site is still garden land within the curtilage of the residential property at No. 52; within the ownership of the same applicant and forms one planning unit. Appendix 2 of the NPPF excludes 'land in built-up areas such as private residential gardens' from the definition of previously developed land and as such the application site is not considered to constitute a brownfield development site but rather a private residential garden.

Whilst the proposal represents a net increase of two dwellings and as such contributes to the provision of additional dwellings as required by Policy H1, the Council does currently have an up to date five year supply of deliverable land for housing as of April 2011, which is a live document to be updated early in 2012. This illustrates that Bromley is able to meet its five year supply target of 2205 units with over 2500 deliverable units being identified. It is not considered that the creation of two additional dwellings outweighs other considerations in order to justify permission being granted, more so given that the Council's housing targets are currently being exceeded.

Section 6 of the NPPF requires that the design of new housing significantly enhances its immediate setting and should be sensitive to the defining characteristics of the local area. Section 7 further states that permission should be refused where a development fails to improve the character and quality of an area. Having had regard to the above it was considered that the development in the manner proposed is not acceptable in that it would result in a cramped form of overdevelopment detrimental established character of the area and the application should be refused on this basis.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/01526, 12/01528 and 11/03322, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal would be an overdevelopment of the site on land which is not previously developed resulting in a loss of garden land, out of character with the locality thereby detrimental to its visual amenities, appearance and character, contrary to Policies H7, G6 and BE1 of the Unitary Development Plan, the London Plan and the National Planning Policy Framework.
- 2 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in respect of two storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan.

INFORMATIVE(S)

- 1 You are advised that this application may 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)).

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.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

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Address: 52 Grove Park Road Mottingham London SE9 4QB

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