

SECTION '2' – Applications meriting special consideration

Application No : 12/03386/FULL1

Ward:
Orpington

Address : 15 Paddocks Close Orpington BR5 4PP

OS Grid Ref: E: 547902 N: 166005

Applicant : Mr M Paye

Objections : YES

Description of Development:

Erection of detached two storey 3 bedroom house to rear of 15 Paddocks Close with vehicular access from Alma Barn Mews and pedestrian access to Chelsfield Lane.

Key designations:

Proposal

This application seeks permission for a detached two storey 3 bedroom house to the rear of 15 Paddocks Close, with vehicular access from Alma Barn Mews and pedestrian access to Chelsfield Lane. Two parking spaces will be accessed from Alma Barn Mews and the dwelling would be set approximately 8 metres back from the access road.

The dwelling would be approximately 7.85m high to the ridge and 8.5m x 6.9m wide and deep. An amenity area would be retained to the west with a depth of approximately 5m. A pedestrian access with steps is proposed to Chelsfield Lane.

Location

The site is located on the edge of the urban area in a generally residential location. Open Green Belt land is located to the opposite side of Chelsfield Lane

The site is formed of the rear portion of the garden of 15 Paddocks Close and is bounded by the rear garden of 14 Paddocks Close, Chelsfield Lane, and the access for Alma Barn Mews, a recent residential development which comprises a renovated statutory listed building (adjacent to Chelsfield Lane) and a new building to the rear of the site. The applicant has retained ownership rights to the in / out access for Alma Barn Mews and it is proposed to use this for the proposed new dwelling.

Comments from Local Residents

There have been a number of strong objections to this application both from residents in Paddocks Close, including no.15, and residents of the new residential development at Alma Barn Mews. These can be summarised as follows:

- trees and vegetation will be destroyed
- sunlight and daylight to neighbouring properties will be reduced
- overshadowing will occur due to the orientation of the proposed dwelling
- overlooking will occur and privacy in private gardens will be affected
- proposal would have a negative impact on the environment
- drawings are difficult to read without scale bars and full dimensions
- location plan does not accurately show extensions to neighbouring properties
- insufficient information has been provided regarding the retention of trees
- windows to habitable rooms overlook private gardens
- proposal will have a negative impact on the adjacent Green Belt land
- new dwelling will have insufficient amenity space
- separation to existing residential properties will be less than 20m
- general spatial standards in the area are greater than proposed
- no details of refuse and recycling storage are provided
- proposal is backland development using 60% of an existing rear garden
- vehicular access to Alma Barn Mews was granted on the basis of limited movements
- parking is limited in Alma Barn Mews and more would impact on residents parking
- additional vehicles would cause problems including emergency vehicle access
- rear gardens are not brownfield and this would be an overdevelopment
- concerns regarding construction traffic access

Comments from Consultees

Thames Water has no objection to the proposal

From a trees perspective a Tree Survey has been submitted and comments on this will be reported verbally.

The Environmental Health Officer has no objections

From a Conservation perspective, no objections are raised with regard to the impact on the statutory listed Alma Barn Mews.

Cleansing have commented that refuse and recycling should be left at the edge of the kerb for collection

The Highways Engineer has commented that the site would have access from Alma Barn Mews. This is a private access and is shown in the ownership of the applicant. The site is within a low (2) PTAL area and Chelsfield Lane is a classified road, a local distributor.

There is no footway in Chelsfield Lane to the south of the site and the converted barn building affects the sightlines from Alma Barn Mews. There does not appear to be any indication on the plans of the available sightline that should be in accordance with the advice in Manual for Streets. Unless the applicant can demonstrate that a suitable sightline can be achieved there are concerns about the intensification of the use of the access and he would recommend refusal of the application as it would be contrary to Policy T18 of the UDP.

Local residents have raised issues of manoeuvring and parking on the site with the existing layout. There is no indication where visitors' vehicles will park and there does not appear to be any room within Alma Barn Mews. One resident mentioned visitors parking on Chelsfield Lane and this is not something which should be encouraged as there is minimal other on-street parking in the vicinity and it would interfere with the free flow of traffic and also impact on the sightline from the egress. The nearest side road, Loxwood Close, may not be that attractive to park in as people have to cross Chelsfield Lane twice to reach the development due to the lack of a footway.

The proposed steps to Chelsfield Lane are shown on land outside of the applicant's control. This may be owned by the Council and landowners agreement would be needed to install the steps.

Planning Considerations

The site lies on land not subject to any specific designations in the Unitary Development Plan, however the adjacent converted barn is Grade II Listed, and the land on the opposite side of Chelsfield Lane is Green Belt.

The application falls to be considered primarily with regard to the following policies in the Unitary Development Plan: BE1 (Design of New Development), BE8 (Statutory Listed Buildings), H7 (Housing Density and Design), G6 (Land adjoining the Green Belt), NE7 (Trees and Development), T3 (Parking) and T18 (Road Safety).

The National Planning Policy Framework 2012 and the Council's adopted SPG guidance are also considerations.

Planning History

The site has no relevant planning history other than a modest single storey rear extension to no 15 that was allowed in 1968.

Conclusions

There are a number of primary impacts to consider in relation to this proposal. These are the character and appearance of the area, the amenities of neighbouring properties, highway safety, the adjacent statutory listed building and trees.

With regard to Policies BE1 and H7 and the impact of the proposal on the character of the area, the proposal would involve a dwelling of relatively modest proportions in keeping with the size of other properties in the area. It would involve a substantial proportion of built development with regard to the overall size of the site, however with regard to the character of development and in particular dwellings in relation to their plots in the wider area, Members may consider this acceptable. The dwelling would have a limited amenity area, however this may also be considered acceptable in light of that provided for surrounding properties.

With regard to Policy BE1 and the relationship with neighbouring properties, there are no concerns regarding the impact on dwellings in Alma Barn Mews, however there will be a degree of impact on properties in Paddocks Close, and photographs from 14, 15 and 16 are on file. The site location plan shows that the proposed dwelling would be sited at its closest 19m away from the rear of 15 Paddocks Close, however there is an extension to the rear of no 15 which shortens this distance to around 18m. This is closer than would normally be acceptable and the occupier of 15 will experience some visual impact and loss of prospect as a result of this proximity. Although there will be some visual impact to no 16, this will be limited by a large tree which is currently located between the proposed dwelling and the rear garden, provided this tree can be retained.

With regard to no 14, whilst further away, this property will suffer the most concerning impact as a result of overlooking from the bedroom window on the northern elevation of the proposed dwelling into the rear garden. Due to the orientation of the proposed dwelling and the layout of the garden of 15, this will create an unsatisfactory relationship. There will also be a degree of visual impact for the occupiers of 14 given the general proximity of the development.

From a highways aspect with regard to Policies T3 and T18, a slightly reduced manoeuvring area of 5.8m is accepted for the new parking spaces and the parking provision is considered acceptable. However, there are concerns raised that the intensification of the use of the access from Alma Barn Mews has not been shown to be safely achievable with regard to the provision of sightlines to accord with the Manual for Streets. The access arrangements were permitted previously only on the basis of limited use by the proposed properties in Alma Barn Mews because that proposal resulted in an improvement to the access arrangements that existed prior to the development. Additional usage as proposed in this application is without benefit and is considered to result in a highway safety concern due to the substandard visibility when using the access. Although the applicant has provided a supplementary plan demonstrating sightlines, these are not considered to be suitable for this access based on the general speed of traffic on Chelsfield Lane and do not accord with the standards in Manual for Streets.

There are also concerns regarding additional parking given the limited provision in the vicinity and although it is not currently restricted, the potential safety issues relating to additional parking in Chelsfield Lane. Whilst the issue of the proposed steps lying outside the application site is noted, this would not affect the acceptability of the development.

In respect of the proximity to the statutory listed building and Policy BE8, there is not considered to be any adverse impact from this proposal on the listed barn subject to suitable materials.

With regard to Policy G6, although Green Belt land is located to the opposite side of Chelsfield Lane, it is not considered that this proposal would adversely impact on the visual amenity or character of the Green Belt given the existence of the road in between the site and Green Belt land.

In summary, although the overall size of the site and proposed dwelling may be considered acceptable with regard to the character of the area, and any impact on the adjacent listed building, there are concerns regarding the impact on the amenities of neighbouring properties. There are also issues of highway safety which conflict with established policy. On balance, the proposal is considered unacceptable with regard to overlooking to the rear garden of no 14, and the lack of provision of adequate sightlines for the intensification of the use of the access.

Background papers referred to during production of this report comprise all correspondence on file ref. 12/03386, excluding exempt information.

as amended by documents received on 06.12.2012

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed dwelling by reason of its design and layout would result in unacceptable overlooking to the garden of 14 Paddocks Close, contrary to Policy BE1 of the Unitary Development Plan.
- 2 The proposed intensification of use of the existing access to Alma Barn Mews is unacceptable with regard to highway safety as it does not benefit from adequate sightlines, contrary to standards in the 'Manual for Streets' and consequently Policy T18 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

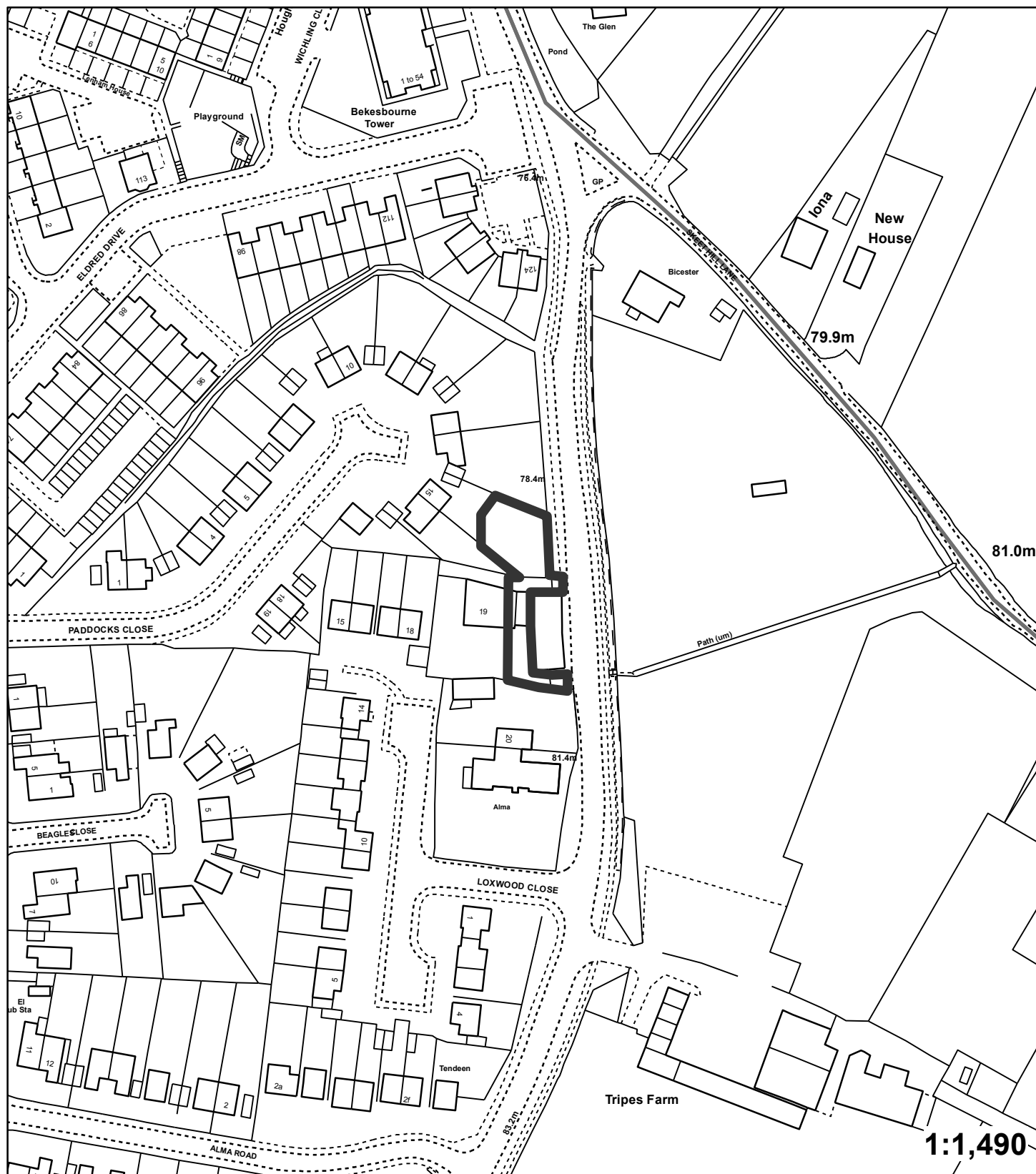
notice to prohibit further development on the site and/or take action to recover the debt.

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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"This plan is provided to identify the location of the site and should not be used to identify the extent of the application site"