

SECTION '2' – Applications meriting special consideration

Application No : 13/00001/FULL1

Ward:
Farnborough And Crofton

Address : 22 Crofton Lane Orpington BR5 1HL

OS Grid Ref: E: 544637 N: 166048

Applicant : Mr J Sharp

Objections : YES

Description of Development:

Construction of new access adjacent to 22 Crofton Lane and erection of 2 two storey three/four bedroom dwellings on land to rear of 22-26 Crofton Lane with associated garages.

Key designations:

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

Proposal

- The proposal seeks permission for the subdivision of a section of the rear gardens of Nos. 22-26 Crofton Lane to provide two detached dwellings, one with three bedrooms and one with four.
- Access to the site will be provided via a modified access to the north of No. 22 Crofton Lane.
- The access road will lead to an area of hardstanding within the site and a landscaped frontage, with Plot 1 sited to the south of the site and Plot 2 to the north.
- The dwelling at Plot 1 will have a length of 22m and a width of 12m, and will be sited between 0.8m and 4m from the southern flank boundary adjoining No. 20. The roof will be pitched with a height of 7.1m. The rear garden will be to the east of the site, with a length of 10-11m to the eastern boundary of the site.
- Plot 2 will be sited to the north of the site and will have a length of 15.6m and a width of 12m. The dwelling will be sited 3.5m from the northern flank boundary of the site adjoining No. 28. The roof will be pitched with a height of 7.1m. The rear garden will also be sited to the east of the house, with a length of 11-15.5m to the eastern flank boundary of the site.
- Plot 1 will be provided with an attached garage that will have a width of 6.1m and a length of 6.0m. The roof will be pitched with a height of 4.6m. Plot 2 provided with a detached garage that will have dimensions of 6m by 3.5m

and a pitched roof with a height of 3.6m. The detached garage for Plot 2 will be sited approximately 1m from the rear boundary of No. 26 and the side boundary of No. 28.

Location

This site is located on the eastern side of Crofton Lane. The site comprises the rear gardens of Nos. 22-26 Crofton Lane and the space to the side of No. 22 to provide the access road. The eastern side of Crofton Lane is characterised by large two storey detached dwellings with spacious and large rear gardens. To the east, the site adjoins Oregon Square, which is characterised by a higher residential density. The eastern boundary of the site possesses a dense screen of vegetation and the surroundings are predominantly soft landscaped.

Comments from Local Residents

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

- loss of amenity and loss of privacy
- visual impact and loss of light/overshadowing
- out of character
- harm to the spatial standards of the area and precedent for further such developments
- impact on highway safety due to the creation of a busier junction
- land is not 'previously developed' as stated in the NPPF
- obscure glazing should be used to prevent overlooking
- replacement fences should be erected
- existing trees should be retained

Comments from Consultees

From a technical highways point of view, there are 2 new houses proposed. Each would have a garage and other parking on the frontages. The current access to no.22 will be amended to serve the 3 properties. A Road Safety Audit was included with the application which identified some minor issues but not with the principle of the access arrangements. Visibility was one issue and as there is no speed survey I would suggest the maximum sightlines given in Manual for Streets. The refuse collection arrangements will need to be agreed with Waste Services. The existing crossover is proposed to be widened; the applicant will need to contact Street Services regarding the works and whether an industrial type one is needed for delivery vehicles. Given the location, a construction management plan should be provided to show how deliveries etc will be made.

No Thames Water objections are raised subject to informatives.

No technical drainage objections are raised. Contrary to the answer to the question on the form there is no public surface water sewer near to this site. Surface water will therefore have to be drained to soakaways. The applicant is required to carry

out surface water design to including the use of SUDS. A standard condition and informative is suggested.

The Crime Prevention Officer has suggested a secure by design condition due to concerns that the proposed access road may lead to the rear gardens of existing properties being vulnerable. A front access gate is requested for security.

No Environmental Health objections are raised subject to informatives.

Waste Services comments have been received stating that refuse should be brought to the junction with Crofton Lane on the day of collection.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), H7 (Housing Density And Design), H9 (Side Space), T3 (Parking), T18 Road Safety) and NE7 (Development And Trees) of the adopted Unitary Development Plan.

The National Planning Policy Framework, the Council's adopted SPG guidance and the Mayor's Housing Supplementary Planning Guidance are also considerations.

London Plan Policy 3.4	Optimising Housing Potential
London Plan Policy 3.5	Quality and Design of Housing Developments
London Plan Policy 5.1	Climate Change Mitigation
London Plan Policy 5.13	Sustainable Drainage
London Plan Policy 6.4	Enhancing London's Transport Connectivity
London Plan Policy 6.13	Parking
London Plan Policy 7.3	Designing Out Crime
London Plan Policy 7.14	Improving Air Quality
London Plan Policy 7.15	Reducing Noise And Improving Soundscapes
London Plan Policy 7.21	Trees And Woodlands

Planning History

Planning permission has twice been refused for a detached dwelling to the side of No. 22 under refs. 08/02873 and 09/00339. The refusal grounds for the recent refusal were as follows:

'The proposal would represent an unsatisfactory sub-division of the plot and a cramped form of development, which would result in a retrograde lowering of the spatial standards to which the area is presently developed and a detrimental impact on the spacious character of the area, contrary to Policies BE1, H7 and H9 of the Unitary Development Plan.'

Planning permission was granted under ref. 11/01172 for demolition of Nos. 39 and 41 Oregon Square and retention of No 43 and erection of 8 dwellings with associated access road and parking spaces (Revisions to permission ref. 07/02206

allowed on appeal including increased size of dwellings on Plot 1 - 4 with amendments to garden layouts, and amended siting of Plot 5).

Planning permission was refused under ref. 11/01984 for construction of new access adjacent to 22 Crofton Lane and erection of 3 two storey detached three / four bedroom dwellings on land to rear of 22 - 28 Crofton Lane with associated car parking. The refusal grounds were as follows:

'The proposal constitutes an unacceptable form of cramped backland development that is out of character with the surrounding area, resulting in a retrograde lowering in the spatial standards to which the area is at present developed, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposed junction with Crofton Lane does not accord with the Design Manual for Roads and Bridges, Design of Mini-Roundabouts, and is likely to result in conditions prejudicial to highway safety, thereby contrary to Policy T18 of the Unitary Development Plan.'

The application was subsequently dismissed on appeal. The Inspector states:

'I conclude overall, that it is likely the proposal would cause unacceptable harm to highway safety contrary to the aims of UDP Policy T18.

I consider that the verdant setting of development thereabouts gives rise to a spacious and high quality environment.

Given the local variety in plot sizes, the sub-division of the large rear gardens of nos. 22-28 may be acceptable in principle. However, the frontage of the proposed buildings, which would be clustered around the head of the accessway, would be dominated by hardstanding, comprising a turning area and driveways for the most part. This would leave little opportunity for the provision of planting, as a means of softening the appearance of the development. When seen from the cul-de-sac, the proposed dwellings would have a relatively stark appearance in comparison with the landscaped settings of their neighbours. It is likely that this would also be appreciated, albeit to a limited degree, in views of the site from Crofton Lane through the gap between Nos. 22 and 24.

In my judgement, the proposal would be likely to result in the removal of the majority of trees along the eastern site boundary, to the detriment of the character and appearance of the locality.

I conclude overall that the proposal, which would diminish the spacious, high quality environment thereabouts, would cause unacceptable harm to the character and appearance of the surrounding area, contrary to the aims of UDP Policies H7 and BE1.

I agree with the Council and the appellant that the dwellings on plots 2 and 3 would be sufficiently distant from the rear elevations of neighbouring Oregon

Square dwellings, so as not to unacceptably affect the outlook from, or light received by, those properties. Furthermore, the eastern elevations of those proposed houses would not contain habitable room windows at first floor level and so the potential for overlooking of neighbouring dwellings to the east would be limited to an acceptable degree.

The proposal would not fit well overall with the patterns of development supported by the Framework or the Development Plan Policies which I have identified in my consideration of the main issues. I consider on balance that the appeal scheme would not amount to sustainable development.'

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. The impact on parking and highway safety is also a consideration.

The character of the site and surroundings, particularly the eastern side of Crofton Lane, is considered to be highly spacious, verdant and a high quality environment. Despite this, there is a variety of plot sizes in the wider area. The inspector stated under the previous appeal case that the sub-division of the plots may be acceptable in principle. The large area of hardstanding to the front of the proposed houses, which was previously a matter of concern for the Inspector, has been significantly reduced and now provides a large area of soft landscaping.

Although the number of dwellings has been reduced from three to two, it is noted that the site area has also reduced, with the rear garden of No. 28 Crofton Lane now not included in the proposal. As a result, the gardens and plots of each of the proposed houses would not be any more spacious than those previously refused.

The omission of Plot 3 has allowed Plot 2 to be moved further to the west so that the outlook from the eastern windows provides a 10-15m separation to the eastern boundary trees. This outlook is considered to be an improvement on the previous scheme, where Plot 2 was sited only 4-7m from these trees. The improvement of this relationship is considered to reduce the future pressure to prune or remove these trees and therefore the future health of the landscaping in the area can be retained. A landscaping condition can be imposed to further ensure this and to ensure the sustainability of the development. An arboricultural statement has been submitted and standard conditions have been suggested by the Tree Officer.

The National Planning Policy Framework (NPPF) states at paragraph 53 that authorities should consider policies to resist inappropriate development on residential gardens. This is considered to be consistent with Policy H7 of the UDP, which states at paragraph 4.40 that such development will be resisted unless it is small scale and sensitive to the local area.

The site does not comprise previously developed land, as stated in the NPPF, and the Inspector concludes this in Para 20. This in itself may not have been

considered an objection, and it was also considered by the Inspector that a sensitive development and sub-division of the plot may be acceptable in principle.

Members will need to consider carefully whether this revised scheme has overcome the Inspector's concerns. In respect to the amenities of properties on Oregon Square, the Inspector was satisfied that there would not be significant overlooking provided that the first floor eastern windows are obscurely glazed and that the eastern boundary vegetation was retained. The re-siting of Plot 2 further from the eastern elevation is not only considered to protect the future health of these trees but is also considered to improve the relationship with properties on Oregon Square by providing a greater separation. All eastern first floor windows of both houses are proposed to be obscurely glazed and therefore it is considered that no significant overlooking would result. The proposed first floor windows facing the rear gardens of Nos. 20 and 28 Crofton Lane are also proposed to be obscurely glazed, as are the western first floor windows. It is considered that no harmful overlooking would therefore result to neighbouring gardens.

The proposal reduces the width of the frontage of the site from the previous scheme, providing an access road to the side of No. 22, without occupying any of the land at No. 24. The access will be shared with No. 22, rather than No. 24 as previously proposed. This means that the proposed access onto Crofton Lane will be sited further to the south, approximately 10m away from the centre point of the existing roundabout.

In respect to highway safety, the Inspector previously raised concerns over the proposed 4 arm roundabout at the junction with Crofton Lane, particularly as the fourth arm would serve three dwellings plus No. 24. The reduction to two dwellings (plus No. 22) will result in a reduction in the use of the roundabout and this will result in an improvement in highway safety. The risk of vehicles emerging from the site onto Crofton Lane would be reduced by the lower expected amount of traffic and no technical highways objections are raised. In addition, right turn manoeuvres into the site would be reduced by the reduction in the number of houses proposed. Members may consider that the reduction in the intensity of the use of the access may be considered suitable in this location as to not impact seriously on highway safety.

The proposal provides suitable car parking for the size and type of dwellings proposed, in line with the standards of the Mayors Housing Supplementary Planning Guidance. The proposal would therefore not result in an increase in on-street car parking pressure on Crofton Lane and the surrounding highway network.

Members are asked to carefully consider whether the reduction in number of dwellings coupled with the improved landscaping given the reduced site area overcomes the concerns previously raised, since the ratio of built development will remain similar to the refused scheme. The issues of highway safety and harm to trees have been suitably addressed, however this remains a backland site and the amount of development proposed, including hardstanding, remains significant. On balance, it is recommended that permission be granted.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01984 and 13/00001, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R 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 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
 - 9 ACC03 Details of windows
 ACC03R Reason C03
 - 10 ACD02 Surface water drainage - no det. submitt
 ADD02R Reason D02
 - 11 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
 - 12 ACH10 Provision of sight line (3 inserts) 59m x 2.4m x 59m the
 ACH10R Reason H10
 junction of the access and Crofton Lane 1m
 - 13 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
 - 14 ACH23 Lighting scheme for access/parking
 ACH23R Reason H23
 - 15 ACH29 Construction Management Plan
 ACH29R Reason H29
 - 16 ACH32 Highway Drainage
 ADH32R Reason H32
 - 17 ACI01 Restriction of all "pd" rights
- Reason:** In order to prevent the future overdevelopment of the site and to protect the amenities of neighbouring properties to accord with Policy BE1 of the Unitary Development Plan.
- 18 ACK01 Compliance with submitted plan
- Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual amenities of the area and the amenities of the nearby residential properties.
- 19 ACK05 Slab levels - no details submitted

ACK05R K05 reason

- 20 The development hereby permitted shall incorporate measures to minimise the risk of crime and to meet the specific needs of the application site and the development. Details of these measures shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development hereby permitted, and implemented in accordance with the approved details. The security measures to be implemented in compliance with this condition shall achieve the "Secured by Design" accreditation awarded by the Metropolitan Police.

Reason: In the interest of security and crime prevention and to accord with Policies H7 and BE1 of the Unitary Development Plan.

- 21 Before the development hereby permitted is first occupied, the proposed windows in the first floor southern elevation of Plot 1, the first floor northern elevation of Plot 2, the first floor western and eastern elevations of both dwellings and the second floor window in each dwelling 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.

- 22 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first and second floor elevations of the dwellings hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

Reasons for granting permission:

In granting planning permission the Local Planning Authority had regard to the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

The development is considered to be satisfactory in relation to the following:

- (a) the impact on the character of the surrounding area
- (b) the impact on the amenities of the occupiers of adjacent and nearby properties, including light, prospect and privacy
- (c) the spatial standards to which the area is at present developed
- (d) the impact on trees
- (e) the highway policies of the Unitary Development Plan

and having regard to all other matters raised.

INFORMATIVE(S)

- 1 With regard to surface water drainage it is the responsibility of the developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect to surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving sewer 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 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 3 In order to check that the proposed storm water system meets drainage requirements, we require that the following information be provided:
 - A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways.
 - Where infiltration forms part of the proposed storm water system such as soakaways, soakage test results and test locations are to be submitted in accordance with BRE digest 365
 - Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 4 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. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 5 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.

- 6 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.

Application:13/00001/FULL1

Address: 22 Crofton Lane Orpington BR5 1HL

Proposal: Construction of new access adjacent to 22 Crofton Lane and erection of 2 two storey three/four bedroom dwellings on land to rear of 22-26 Crofton Lane with associated garages.



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

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