

SECTION '2' – Applications meriting special consideration

**Application No :** 12/03904/FULL1

**Ward:**  
**Kelsey And Eden Park**

**Address :** Land Rear Of 107 To 111 Monks  
Orchard Road Beckenham

**OS Grid Ref:** E: 537461 N: 166597

**Applicant :** Avakas Holdings Ltd

**Objections :** YES

**Description of Development:**

Erection of 3 storey detached block comprising 1 x 3 bedroom flat and 7 x 2 bedroom flats; associated car parking, refuse store, bicycle store, landscaping and boundary enclosures on land to rear of Nos. 107 - 111 Monks Orchard Road

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Local Cycle Network  
Flood Zone 2  
London City Airport Safeguarding  
Local Distributor Roads  
Sites of Interest for Nat. Conservation  
Urban Open Space

**Proposal**

This application proposes the erection of a detached three storey block comprising 1 x 3 bedroom flat and 7 x 2 bedroom flats; associated car parking, refuse store, bicycle store, landscaping and boundary enclosures on land to rear of Nos. 107 - 111 Monks Orchard Road. Details of the application are summarised as follows:

- the detached building will be measure approx. 17.9m wide x 16m deep and approximately 9.7m in height to the front gable ridge and approx. 5.9m to the eaves (when scaled from the submitted drawings)
- a total of 8 flats are proposed with the ground floor flats provided with individual gardens and Units 4, 7 and 8 and having roof terraces and balconies located to the rear of the block
- the building will be positioned towards the rear of the site adjacent to the flank boundary with the neighbouring property of No.88 Eresby Drive to the south with a side space of 1m provided.

- the design of the building is over three floors with a front gable feature and accommodation in the roof space. Balconies are proposed at first and second floor levels on the rear elevation
- access to the site will be from the existing access from Monks Orchard Road situated between 107 and 109
- a turning area is provided on site and parking for 8 vehicles
- hard and soft landscaping is proposed particularly to provide planting to buffer zones to separate the development from neighbouring boundaries.

The application form has described the development as 8 x 2 bedroom flats, however, Drawing No. 8005-CON-03 has indicated the ground floor flat 'Unit 1' to have a Master Bedroom and two 'Bedroom 2', which appears to be a drafting error. Nevertheless three bedrooms are shown and as such the Local Planning Authority has described the development as 1 x 3 bedroom and 7 x 2 bedroom flats. Revised plans have been requested from the applicant to address this discrepancy.

### **Location**

The application site comprises land to the rear of Nos. 107 and 109 Monks Orchard Road which has been cleared. The site lies adjacent to Eresby Drive, to the south of the site, and directly abutting High Broom Wood which is designated as Urban Open Space and a Site for Nature Conservation Importance in the UDP. To the north and west of the site are existing two storey properties in Monks Orchard Road and beyond on the opposite side of the road is Bethlem Royal Hospital. There are also a number of trees subject to Tree Preservation Orders on and adjacent to the site boundary.

With the exception of the hospital, the area is predominantly residential comprising mainly two storey terraced and semi-detached houses, with the exception of No.109 Monks Orchard Road which was converted into self-contained units with a two storey side extension, permission was granted for this at appeal

### **Comments from Local Residents**

Nearby neighbours were notified of the proposal and representations received can be summarised as follows:

- loss of outlook and privacy for No. 88 Eresby Drive;
- increase in traffic onto Monks Orchard Road, which would be a safety hazard.
- concerns as to why resident of No. 109B Monks Orchard Road was not informed of the application.
- concerns as to why LBB planning letter describes 1 x 3 bedroom flat and 7 x 2 bedroom flats when the plans available show 8 x 2 bedroom flats.
- housing is unsuitable for the site, the planning history has instances of plans being approved which are built larger than the plans provide for with retrospective planning permission then sought.
- will result in a gross overdevelopment of the land and decrease standard of living for those in proximity to the development.

- residents did not object to plan for a small number of houses which were not unreasonable or too out of keeping with Eresby Drive and relatively dormant piece of land.
- concerns that something larger than planned may be built with London Borough of Bromley applying insignificant control, measure or check development built complies with the permission.
- the detached house at the front of the site was divided into one house and 5 flats which has already resulted in more people and traffic and pressure on parking from residents and visitors.
- tons of rubble has been dumped on site with the result that the ground level at the rear towards High Broom Wood has been raised substantially the lower ground level previously allowed views into the woods long enjoyed by neighbours of the site.
- three storey building on same footprint as houses but would be built on higher ground level resulting in detrimental effect on views of neighbouring properties.
- issues relating to extensions at No. 109.
- concerns having flats instead of houses would result in oversized development for the land, additional people will cause congestion, overcrowding, over use of land and noise pollution.
- concerns as existing flats in No. 109 are not sound proofed resulting increased noise for neighbours. If current proposal is permitted the Council should check soundproofing due to potential for noise complaints.
- loss of privacy due to volume of people within 8 flats compared to 3 houses. Additional flats on upper floor will result having direct views into upper level rooms of current properties.
- given rubble covers the whole site concerns as to how rain water would drain from the site which may affect neighbouring properties as this could not longer soak in or run into the woods.
- concerns as development would involve increased landscaping in an area which was previously proposed as landscaping on original plans.
- over density of site, not in keeping with surroundings of general area and amenity comprised of family homes which cannot support additional multi-occupied dwellings.
- overdevelopment of amenity and space footprint and height viewed as 3 storey development as roof void constitutes additional dwelling.
- results in unacceptable light spill for neighbouring properties.
- proposal has inadequate access for emergency services and no secondary emergency routes for vehicles or occupants.
- no suitability measures indicated therefore potential to cause high carbon impact and effect on virgin plot, adjoining woodland, waterways and wildlife.
- the previous applications did not account for expanded development of original dwellinghouse to front of site where three flats have replaced one house as this has only been recently granted at appeal.
- no reference on plans to reinstatement of mature Hornbeam tree which had TPO and was felled by developer. The developer agreed to plan a replacement tree which the Council should insist upon.

## **Comments from Consultees**

The Council's Highways Division state the site is situated on the east side of Monks Orchard Road to the rear of No.109. The development is located in an area with low PTAL rate of 2 (on a scale of 1 - 6, where 6 is the most accessible). Initially the Highways Division stated in terms of access the car parking spaces are accessed from Monks Orchard Road via a modified vehicular crossover by the way of a service road 4.10m wide, which is satisfactory. The cycle parking indicated is considered to be satisfactory. In terms of parking eight spaces are provided to the rear. However, the two corner spaces (perpendicular to each other) are difficult to manoeuvre in and out; the applicant should be advised to set back one bay by a metre. The refuse store is too far from the highway. The applicant should relocate the bin store closer to the main highway boundary. The refuse collection arrangements would need to be agreed with Street Services. In response to these comments revised plans were received on 15th February 2013 which altered the parking arrangements, these were considered to be satisfactory and as such no objections are raised from a highways perspective.

The Council's Waste Advisors have requested the applicant be issued with a copy of notes for developers guidance (sent on 05.04.13) and it was not clear how a refuse vehicle can turn around once on the site.

The Council's Environmental Health (Pollution) Division raise no objections subject to conditions/informatives

The Metropolitan Police Crime Prevention Design Advisor raises no objection subject to conditions.

The Environment Agency have stated the site lies partially within Flood Zone 2, the medium risk flood zone, and within 20 metres of the River Beck. The EA consider the proposal to be low risk and would refer the Council to the Flood Risk Standing Advice.

Thames Water raises no objections in respect of the proposal.

The West Kent Badger group stated there was no evidence of badger activity at the site which was previously cleared and a badger-proof fence was erected to the rear of the property that backs onto High Broome Wood. There is a badgers sett to the rear of the site in the wood that shows signs of recent activity, provided the badger proof fence is kept in a good state of repair there should be no problems with badgers on the site.

No objections are raised from a trees perspective subject to conditions.

### **Planning Considerations**

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

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and design

- H9 Side Space
- NE7 Development and Trees
- T1 Transport Demand
- T2 Assessment of Transport Effects
- T3 Parking
- T6 Pedestrians
- T7 Cyclists
- T12 Residential Roads
- T15 Traffic management
- T18 Road Safety

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

In strategic terms the most relevant London Plan 2011 policies are:

- 3.3 Increasing Housing Supply
- 3.5 Quality and Design of Housing Development
- 3.6 Children and Young People's Play and Informal Recreation
- 3.8 Housing Choice
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.9 Cycling
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture

London Plan Housing Supplementary Planning Guidance

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of this application.

## **Planning History**

There is an extensive planning history relating to this site which is summarised as follows:

Under planning ref. 02/03675, permission was refused for two storey block and three storey block comprising 8 one bedroom, 6 two bedroom and 10 three bedroom self-contained and shared key worker flats, with 19 car parking spaces, cycle stores and refuse storage facilities, and including vehicular access from Eresby Drive (105, 107 and 109 Monks Orchard Road).

Under planning ref. 03/01798, permission was refused for 2 two storey blocks comprising 8 one bedroom, 8 three bedroom and 4 four bedroom self-contained and shared key worker flats with 19 car parking spaces, cycle stores and refuse storage facilities and formation of vehicular access from Eresby Drive (105, 107 and 109 Monks Orchard Road).

Under planning ref. 05/02899, permission was initially refused but later allowed on appeal for the demolition of Nos. 105, 107 and 109 Monks Orchard Road and the erection of 3 two storey blocks of self-contained and shared key worker accommodation with car parking, cycle and refuse storage. This comprehensive redevelopment scheme comprised 2 two storey blocks on the road frontage and 1 two storey block to the rear of the site adjacent to Eresby Drive. The scheme provides for 16 flats of key worker housing comprising a mix of 8 x 1 bedroom and 8 x 3 bedroom units. The application was originally refused by the Council on the grounds of inadequate car parking provision which would be detrimental to the free flow of traffic and conditions of general safety.

An appeal was subsequently lodged against the decision which proceeded to a Public Inquiry. In the Inspectors decision notice dated 20th November 2006 the Inspector concluded that the proposed level of on-site parking to be adequate and consistent with the development plan policies and did not consider the proposal would be likely to add significantly to existing levels of on-street parking. The Inspector also considered other matters raised by local residents at the Inquiry relating to the principle of development and its impact upon the living conditions of adjoining owners. The Inspector concluded that the scale and appearance of the buildings would be compatible with the neighbouring houses. Whilst car parking would be introduced towards the middle of the site and building towards the rear, he considered significant areas of green space would be retained along with protected, mature trees. With regard to the impact upon residential amenity, the Inspector considered that No.103 would be most affected by the proposal as light to certain areas of the property would be reduced but the impact would not be sufficiently detrimental to justify dismissal. In addition, appropriate boundary screening and enhanced planting would combine to prevent any overlooking and undue noise and disturbance from neighbouring occupiers.

More recently permission was granted under ref. 10/01926 to extend and sub-divide No.109 into two semi-detached houses. A subsequent permission was granted under ref. 10/03160 to sub-divide one of the semi-detached houses into two flats.

Under ref. 10/02576, permission was refused and subsequently dismissed on appeal for the construction of an additional block to the side of No.109 to provide 3 two bedroom self-contained flats, car parking, refuse store and cycle store.

Under ref. 10/03160, permission was granted for part one/two storey rear extensions with balconies, elevational alterations and conversion into 2 semi-detached houses with residential curtilage and associated parking (amendment to permitted scheme 10/01926 to include increased depth of part one/two storey rear extension along northern flank increased balcony area and the conversion of one semi-detached unit into 2 two bedroom units).

Under ref. 10/03175, an application was refused and later allowed on appeal for a two storey side extension to No.109 Monks Orchard Road to form 1 three bedroom self-contained dwelling with associated parking at the rear and residential cartilage which is currently being constructed at the site. Permission was subsequently allowed at appeal for use as 3 flats.

In 2011 under planning ref. 11/00278, planning permission was refused and dismissed on appeal for a three storey detached block comprising 4 two bedroom, 2 three bedroom flats with 8 car parking spaces and access road, (Land to the rear of 107 and 109 Monks Orchard Road). The application was refused for the following reasons:

“The proposed development by reason of its size, bulk, height and prominence, would result in a cramped overdevelopment of the site, out of character with the existing pattern of development thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

The proposal by reason of its size, bulk, height and siting would constitute an unacceptable form of backland development detrimental to the amenities of the occupiers of neighbouring properties by reason of visual intrusion and general noise and disturbance thereby contrary to Policies H7 and BE1 of the Unitary Development Plan”.

The Inspector stated in his conclusions that he did not consider that the amenities of the neighbouring occupiers would be seriously affected but that the cumulative changes from the previous scheme (ref. 05/02899) would result in the proposal causing harm to the character and appearance of the area.

Most recently in 2011 under planning ref. 11/03450, permission was granted for the erection of 3 two storey terraced houses (1 x four bedroom and 2 x three bedroom) with accommodation within roofspace with associated car parking and landscaping at land rear of 107 - 109 Monks Orchard 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 and highway safety.

In terms of the principle of developing the site Members may note that the scheme allowed on appeal under ref. 05/02899 which granted permission for 3 two storey blocks to provide a total of 16 flats for key workers remained extant until November 2011. Members may also wish to consider the recently permitted scheme for 3 two storey terraced houses (1 x four bedroom and 2 x three bedroom) with accommodation within roofspace with associated car parking and landscaping under planning ref.11/03450 which again allowed development on land to the rear of Nos. 107 – 109 Monks Orchard Road thus effectively establishing the principle of development at the site.

Instead of proposing 3 two storey terraced houses as was recently permitted the current proposal would result in the creation of 8 flats. Planning ref. 11/00278 was refused and later dismissed on appeal under ref. 11/00278 for the erection of a three storey block to the rear of the site (in line with No.88 Eresby Drive). The application was refused due to size, bulk, height and prominence of the building resulting in a cramped overdevelopment of the site and that the building would

constitute an unacceptable form of backland development which would be detrimental to the amenities of nearby neighbours.

In respect of this appeal, the Inspector stated in his conclusions that he did not consider that the amenities of the neighbouring occupiers would be seriously affected but that the cumulative changes from the previous scheme (ref. 05/02899) would result in the proposal causing harm to the character and appearance of the area. In dismissing the appeal the Inspector stated “these changes have resulted, cumulatively, in a scheme that is not only less attractive than the (then) extant scheme (planning ref. 05/02899) but fails to reach a standard sought by Unitary Development Plan Policies BE1 and H7. The scheme would appear cramped to its boundaries, too tight to the woodland behind and with insufficient amount, or quality, of landscaping, with an over-dominance of hardstanding set in a rectilinear arrangement, again too close to boundaries. This large block would dominate the view through the frontage gap, with or without the permitted addition to 109, and would appear out of scale with the development of Eresby Drive, despite the reduced level proposed here.

In an area of predominately two storey housing, this block would represent a singular incursion of larger scale built form, a failing not shared in the ‘three block’ scheme which would have been seen to be a complete, integrated development rather than the piecemeal form now proposed and emerging as a result of the implementation of other permission to the front and the changes to the site boundary. As a result the scheme would not accord with the aims of paragraph 16 of PPS3 on the quality of housing development and its relationship to its surrounding”.

In comparison to this refused scheme the height of the building has been reduced from a maximum of 10m to the ridge of the front gable to 9.7m, however, the eaves height would be increased from 5.1m to 5.9m. Planning ref. 11/03450 granted for three terraced houses with accommodation in roofspace had a height of 8.9m to ridgeline of gable and 5.5m to eaves.

The width of the proposal has been decreased from 19.35m (planning ref. 11/00278) to 17.9m (planning ref. 11/03450 was permitted with a width of 17m), however, the depth of the proposal has been increased from 11.9m (planning ref. 11/00278) to a maximum of 16m while planning ref. 11/03450 was permitted with a width of 15m with the result that the current proposal would be closer to the rear boundary of Nos. 107a – 111 than planning ref. 11/00278 and closer to the rear boundary with the woodland than planning ref. 11/03450.

The distance to the boundary with No. 88 Eresby Drive has been decreased from 2.1m (as proposed by ref. 11/00278) to 1m (planning ref. 11/03450 was also permitted with 1m side space). The current proposal would result in an increase in the level of hardstanding when compared to planning ref. 11/03450 and would have a similar level of hardstanding when compared to ref. 11/00278 although this would be repositioned closer to the boundary with No. 107 rather than Eresby Drive.



Although visually the proposal would be similar in appearance to the recently granted application ref. 11/03450 (for three two storey terraced houses with accommodation in the roofspace) the proposal has been increased in height by 0.8m with a 0.4m increase in height to the eaves and would be 0.9m greater in width and 1m greater in depth which is considered to result in a considerable increase in bulk and scale when compared to planning ref. 11/03450. In addition the proposal is not considered to satisfactorily overcome the concerns raised above by the Planning Inspector as the proposal would still appear cramped to its boundaries with 1m less side space provided than ref. 11/03450 which would be too tight to the woodland behind with insufficient landscaping and over-dominance of hard-standing which would appear out of scale with the development of Eresby Drive.

In terms of density the proposal would result in 183.15 habitable rooms and 58 units per hectare in a suburban area of low public transport accessibility which would generally require 200-250 habitable rooms per hectare and 50 – 80 units per hectare. The site layout, buildings and spaces about the building is not considered to have been designed to a high quality and would not complement the qualities of the surrounding area, thereby contrary to Policy H7.

With regard to the impact upon residential amenity, it is considered that the greatest impact will be to the occupiers of No.88 Eresby Drive. It is acknowledged that the proposed development would introduce built development into an area where at present none exists. The comments of the previous Inspector under ref. 11/00278 were on the basis of 6 flats being located 2.1m from the flank boundary with No. 88, while planning ref. 11/03450 was granted on the basis of 3 terrace dwellings with 1m side space. The level of activity, noise and disturbance associated with 8 flats in close proximity to the flank boundary is considered to be unacceptable in this instance and is indicative of the cramped nature of the proposal.

In summation, the proposal for 8 flats is not considered to adequately overcome the Planning Inspectors previous concerns in respect of planning ref. 11/00278. The proposal would result in an increase in height, bulk, depth, width and degree of built development when compared to planning ref. 11/03450 and as such is considered to result in a cramped overdevelopment of the plot out of keeping with the established character of the area and refusal is recommended on this basis.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/00278, 11/03450 and 12/03904, excluding exempt information.

As amended by documents received on 15.02.13

## **RECOMMENDATION: PERMISSION BE REFUSED**

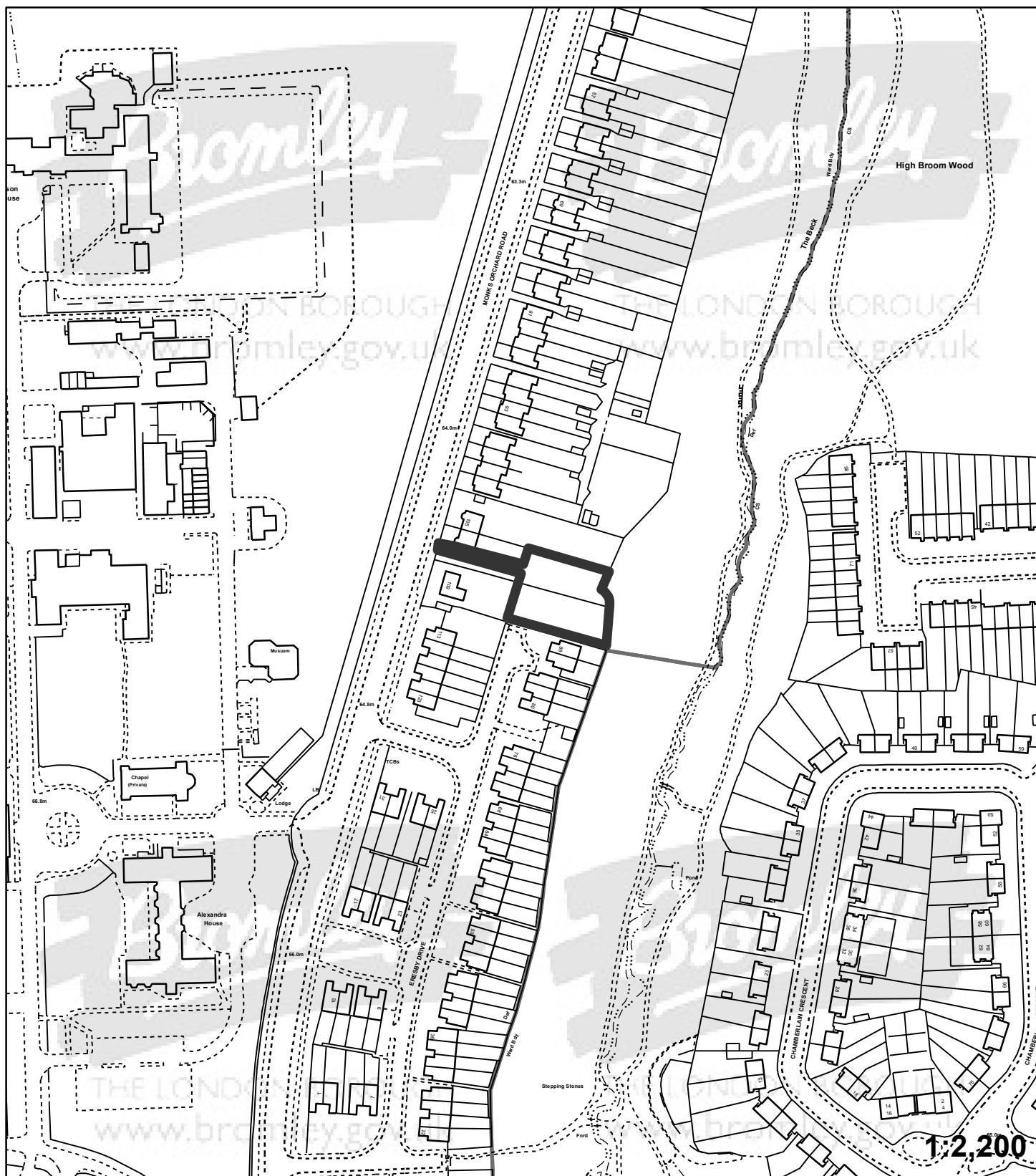
The reasons for refusal are:

- 1 The proposed development by reason of its size, bulk, height, prominence and amount of site coverage by buildings and hard surfaces would result in a cramped overdevelopment of the site, out of character with the existing pattern of development thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

**Application:**12/03904/FULL1

**Address:** Land Rear Of 107 To 111 Monks Orchard Road Beckenham

**Proposal:** Erection of 3 storey detached block comprising 1 x 3 bedroom flat and 7 x 2 bedroom flats; associated car parking, refuse store, bicycle store, landscaping and boundary enclosures on land to rear of Nos. 107 - 111 Monks Orchard Road



"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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