

## SECTION '2' – Applications meriting special consideration

**Application No :** 13/00763/FULL1

**Ward:**  
**Farnborough And Crofton**

**Address :** 45 Grasmere Gardens Orpington BR6  
8HE

**OS Grid Ref:** E: 543826 N: 165337

**Applicant :** David Robins

**Objections :** YES

### **Description of Development:**

Demolition of existing dwelling and the erection of 2 detached two storey four bedroom dwellings with integral garages and associated car parking

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Flood Zone 2  
London City Airport Safeguarding  
River Centre Line

### **Proposal**

- The proposal seeks to demolish the existing bungalow on the site and replace it with two detached four bedroom dwellings.
- The site will be subdivided to form two residential properties, with a 2m fence dividing the site into two.
- Each house will have a pitched and fully hipped roof that will have a height of 7.6m. The dwellings will have a length of 13.5m and a width of 7.7m.
- To the rear of the house, a single storey section will be provided that will have a flat roof with a height of 2.7m (excluding the roof lanterns proposed).
- The dwellings will not exceed the height of the two storey development on Grasmere Gardens.
- The dwellings will be sited 13m back from the highway and will project beyond the rear walls of Nos. 44 and 46.
- The two dwellings will share the existing access onto Grasmere Gardens, with each house possessing an integral garage and car parking space to the front.

### **Location**

The site is located at the eastern end of Grasmere Gardens. At present the site possesses a single bungalow dwelling, set within a large and spacious plot. The

area within Grasmere Gardens is typically characterised by modest two storey semi-detached dwellings. The roads to the rear of the site possess detached dwellings and the area generally is considered to be relatively spacious. The front of the site is located within Flood Zone 2 and the rear of the site located in Flood Zone 3, with a river centre line running along the rear boundary of the site.

### **Comments from Local Residents**

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

- overdevelopment of the site
- loss of privacy and overlooking
- unacceptable backland development
- impact on the character of the area
- visual impact and loss of outlook
- flood risk and drainage problems
- loss of light
- impact on protected trees
- impact on wildlife
- restrictive covenant exists
- access road inadequate for emergency vehicles and refuse collection
- highway safety implications
- noise and pollution

### **Comments from Consultees**

Thames Water raises no objection with regard to sewerage or water infrastructure subject to informatives.

No Waste Services objections are raised. Refuse is to be left at edge of curtilage.

No technical drainage objections are raised subject to a standard condition.

Technical highways comments have been received. The number of dwellings has been reduced from 3 to 2 from the previous proposal. Each property has an integral garage and other parking on the frontage. The reduction in the number of dwellings allows more parking area clear of the access and the issue of vehicles being able to turn on site would not be a particularly important issue. Given the location a construction management plan is needed to show how demolition/delivery vehicles can access the site and how site operatives' vehicles can be accommodated. Standard conditions are suggested.

No Environmental Health objections are raised, subject to informatives.

No Building Control comments have been received.

No comments from the Environment Agency have been received. These will be reported verbally at the meeting.

## **Planning Considerations**

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

The National Planning Policy Framework

London Plan Policy 3.4 Optimising Housing Potential

London Plan Policy 3.5 Quality and Design of Housing Developments

London Plan Policy 5.12 Flood Risk Management

## **Planning History**

Planning permission was refused under ref. 11/01166 the demolition of existing dwelling and erection of 1 detached and 2 semi-detached single storey three bedroom dwellings with integral garages and associated car parking. The refusal grounds were as follows:

‘The proposal would result in the unsatisfactory and out of character sub-division of the existing plot, constituting a retrograde lowering of the spatial standards to which the area is at present developed and constituting a cramped over-development with excessive site coverage and hardstanding, contrary to Policies H7 and BE1 of the Unitary Development Plan and PPS3.

The proposed development by reason of additional noise and disturbance associated with the location of the access and increased vehicular activity would have a detrimental impact upon the amenities of the occupiers of adjoining residential properties contrary to Policy BE1 of the Unitary Development Plan.

The Flood Risk Assessment (FRA) submitted does not comply with the requirements set out in Annexe E, Paragraph E3 of Planning Policy Statement 25 (PPS 25). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.’

The proposal was subsequently dismissed at appeal. The Inspector stated that the proposal would be over-intensive and would form a cramped sub-division of the site. The Inspector also stated that although no significant loss of amenity to local neighbours would result from the proposal, the arrangement of the site was such that a significant change of character would result, which was perceived in a negative manner by the Inspector.

## **Conclusions**

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

Suitable drainage along with flood risk potential are also considerations, as is the possible impact on trees.

The proposal would represent a continuation of the two storey development on Grasmere Gardens, replacing the bungalow with two storey houses. The houses would have a similar height to those surrounding the site and would face onto Grasmere Gardens. The houses will be set back from the highway and will appear to be behind Nos. 44 and 46, however this may be considered to reduce their visual impact within the street scene.

The dwellings will share an access onto Grasmere Gardens which already exists. It may be considered that the proposed sub-division of the site to form two plots would represent an improvement to the previously refused scheme, with each dwelling possessing an ample plot size and without the previously unacceptable extended access road and parking/turning area. The proposed layout is considered to be more in keeping with the character of the area, providing houses facing onto the highway and retaining spacious rear gardens. Although detached dwellings are not common on Grasmere Gardens, they are common in the wider residential area and it is not considered that the introduction of two detached dwellings on the road would harm an established character that the Council should seek to retain. It is also noted that the footprint of the buildings exceeds that of the dwellings on Grasmere Gardens, however the increase in footprint is not considered harmful to the area due to the suitable set-back from the road and height proposed, and would not be considered to over-develop the site.

When considering the application in respect to the NPPF, underutilised land is potentially capable of being developed at a higher density, even if this land is currently a residential garden. Government guidance also states that this can enhance the character and quality of an area when well designed and crucially, when built in the right locations, as reflected by the UDP which continues to carry significant weight.

It is considered that building in this location would respect the character of the area and would not lower the established spatial standards. Paragraph 53 of the NPPF encourages Councils to resist inappropriate development of residential gardens in cases where the development would harm the local area, however in this case it is considered that the local context and character would not be adversely affected.

Table 3.2 of Policy 3.4 of the London Plan gives an indicative level of density for housing developments. In this instance the proposal represents a density of 13 dwellings per hectare with the table giving a suggested level of 35-55 dwellings per hectare in urban areas. This is not consistent with the London Plan Guidance however the character of the area and the established pattern of development should be applied to this figure and it is considered that in doing so the development would not compromise the character of the area by reason of the level of density being proposed.

Table 3.3 of Policy 3.5 of the London Plan states that new dwellings of this type should have 107 square metres of Gross Internal Area (GIA). In this case, the

houses provide this minimum standard. Overall, the proposal would result in an intensity of use of the site that would be consistent with the local area.

The dwellings will project some distance beyond the rear of the adjacent houses in order to create enough side space between the pair to avoid a cramped appearance. Due to the splaying of the sites either side of the application site, the proposed houses will be visible obliquely from the rear windows of the two directly neighbouring dwellings at Nos. 44 and 46 and will have a visual impact to these properties. Both of these dwellings possess side garages which will separate them from the proposal and therefore it may be considered that there would not be a significant impact on light and outlook. The presence of the two proposed dwellings close to the flank boundaries will have a bearing on the enjoyment of the neighbouring gardens, however the relationships to the neighbouring houses are considered suitable due to the fact that the rear windows will not look directly onto the development because of this splay. Views towards the rear of these neighbouring gardens will be affected in a minor way. The flank window at No. 46 will be affected to a greater degree however, but this window appears to serve a staircase and is positioned to the south of the development therefore will not lose sunlight. The visual impact to the staircase window is considered acceptable. The proposed flank walls facing the neighbouring properties will be relieved by the inclusion of a flat roofed single storey section at the rear of both proposed houses, and this will act as a break in the two storey flank wall, creating a less bulky appearance when viewed from neighbouring houses. The application is accompanied by a tree survey and it is proposed to retain the trees during construction. The silver birch within the site of No. 44 will also act to reduce the visual impact from No. 44. No objections are raised by the Tree Officer, subject to standard conditions.

The perception of openness that the site currently affords to these neighbouring houses would be compromised by the proposal, however a large area will remain open to the rear of the houses and therefore the proposal may be considered not to impact severely in this regard, whereas the previously dismissed scheme covered a large area of the site with built development and hardstanding. To the rear, the proposed dwellings will retain a typical back-to-back separation to properties on Mada Road (at least 40m separation) and therefore the proposal may be considered not to result in significant overlooking to these neighbouring houses.

The removal of the previously proposed access road is also considered to improve the relationship that the development has with No. 46. The Council's highways engineers have stated that as the 2 dwellings share the access then parking should not have the potential to block the access. The reduction in the number of dwellings allows more parking areas clear of the access and it would not be considered that vehicle turning on site would necessarily be an issue. The garages are also a suitable size. The frontage also provides an area for soft landscaping and this would soften the impact of the hardstanding to the benefit of the character of the area.

The area lies within Flood Zone 2/3 and the application has been accompanied by a Flood Risk Assessment. The Environment Agency comments received will be reported verbally at the meeting.

Having regard to the above, it is considered that the proposal would not impact harmfully on the character of the area and would not impact significantly harmfully on the amenities of neighbouring residential properties. The proposal does not represent a dangerous flood risk and the impact on parking and highway safety is acceptable. No significant trees would be affected by the proposal. It is therefore recommended that Members grant planning permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 11/01166 and 13/00763, 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  | ACB01  | Trees to be retained during building op. |                                     |
|    | ACB01R | Reason B01                               |                                     |
| 4  | ACB02  | Trees - protective fencing               |                                     |
|    | ACB02R | Reason B02                               |                                     |
| 5  | ACB03  | Trees - no bonfires                      |                                     |
|    | ACB03R | Reason B03                               |                                     |
| 6  | ACB04  | Trees - no trenches, pipelines or drains |                                     |
|    | ACB04R | Reason B04                               |                                     |
| 7  | ACB16  | Trees - no excavation                    |                                     |
|    | ACB16R | Reason B16                               |                                     |
| 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 | ACH16  | Hardstanding for wash-down facilities    |                                     |
|    | ACH16R | Reason H16                               |                                     |
| 13 | ACH29  | Construction Management Plan             |                                     |
|    | ACH29R | Reason H29                               |                                     |
| 14 | ACH32  | Highway Drainage                         |                                     |
|    | ADH32R | Reason H32                               |                                     |
| 15 | ACI12  | Obscure glazing (1 insert)               | in the first floor flank elevations |
|    | ACI12R | I12 reason (1 insert)                    | BE1                                 |
| 16 | ACI14  | No balcony (1 insert)                    | the dwellings hereby permitted      |
|    | ACI14R | I14 reason (1 insert)                    | BE1                                 |
| 17 | ACI17  | No additional windows (2 inserts)        | first floor flank dwellings         |
|    | ACI17R | I17 reason (1 insert)                    | BE1                                 |
| 18 | ACK01  | Compliance with submitted plan           |                                     |

**Reason:** In order to comply with Policies BE1 and H7 of the Unitary Development Plan and in the interest of the visual amenities and character of the area and the amenities of the nearby residential properties.

19 A side space of 1m shall be provided between the flank walls of the dwellings hereby permitted and the flank boundaries of the resulting plots.

**Reason:** In order to comply with Policy H9 of the Unitary Development Plan and in the interest of the visual amenities of the area.

**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  
NE7 Development and Trees  
T3 Parking  
T18 Road Safety

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 risk of future flooding of the site
- (e) the impact on trees
- (f) the transport policies of the UDP

and having regard to all other matters raised.

**INFORMATIVE(S)**

- 1 There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public 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.

- 3 Thames Water recommend the following informative be attached to this planning permission. 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 Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 4 In order to check that the proposed storm water system meets our 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.
- 5 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.
- 6 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.
- 7 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



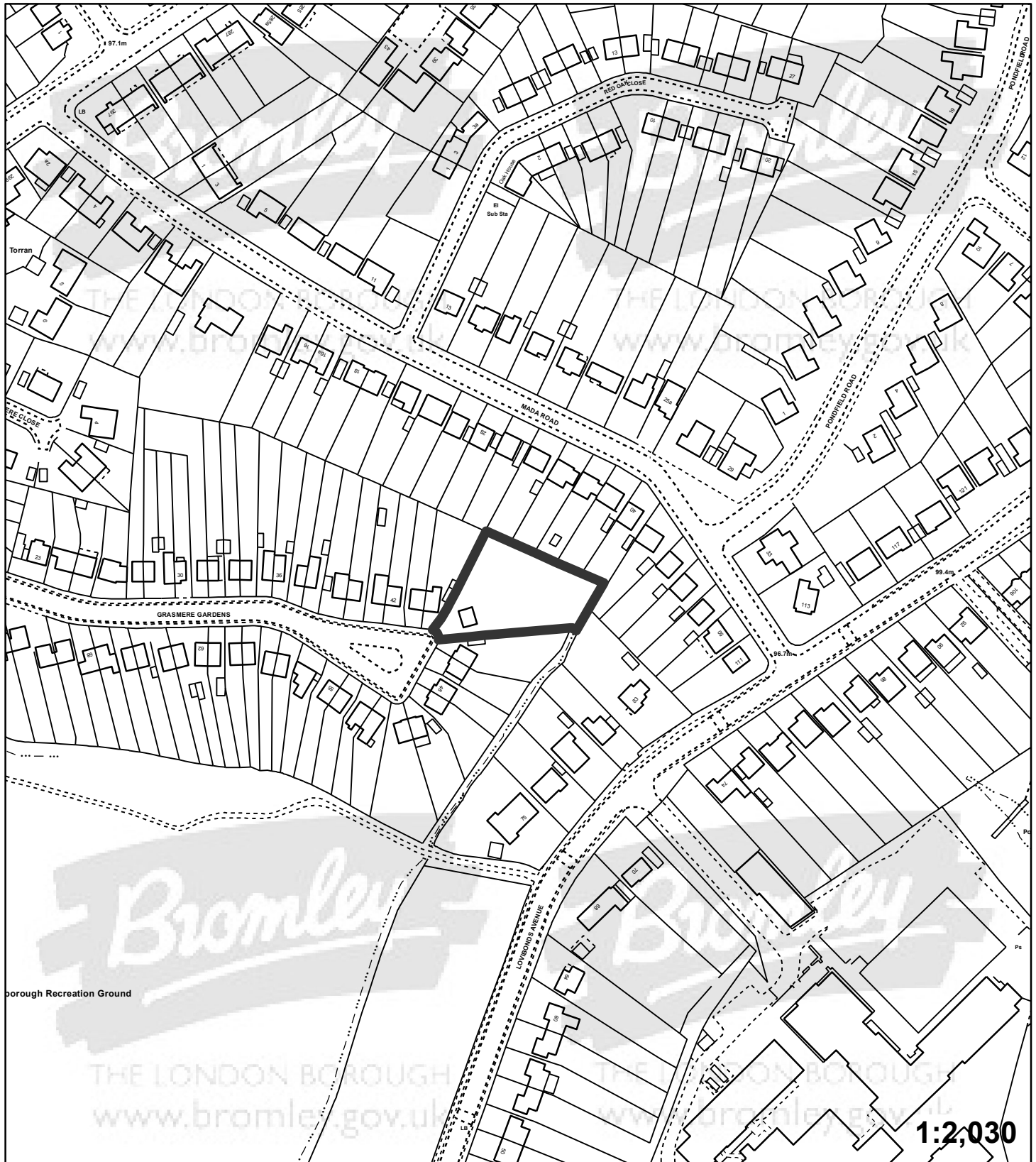
notice to prohibit further development on the site and/or take action to recover the debt.

Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

**Application:**13/00763/FULL1

**Address:** 45 Grasmere Gardens Orpington BR6 8HE

**Proposal:** Demolition of existing dwelling and the erection of 2 detached two storey four bedroom dwellings with integral garages and associated car parking



"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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