

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

**Application No :** 13/01227/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:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding  
Local Distributor Roads  
Open Space Deficiency

**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 7m 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 between 5m and 5.77m. 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 objections to this application both from residents in Paddocks Close and residents of the new residential development at Alma Barn Mews. These can be summarised as follows:

- neighbouring gardens are already enclosed and this will make matters worse
- trees have already been removed and more will be lost
- light and privacy will be affected
- vehicle access will be dangerous
- existing refuse arrangements for Alma Barn Mews are not effective
- parking is inadequate already and this will worsen the situation
- emergency vehicle access is inadequate
- plans do not show the correct situation with regard to extensions to neighbouring dwellings
- unclear how many bedrooms are proposed in the dwelling
- overshadowing will result to the rear garden of no.15
- impact on adjacent Green Belt
- proposal is backland development using 60% of an existing rear garden
- insufficient private amenity space for dwelling
- proposal does not meet design guidance and criteria in planning policies
- proposal will be a cramped overdevelopment poorly related to existing properties
- use of Alma Barn one way access will not be suitable especially as the access is already substandard

### **Comments from Consultees**

Thames Water have no objection to the proposal

Drainage comments are that contrary to the answer to the question on the application form, there is no public surface water sewer near to the site and surface water would need to be drained to soakaways. A condition regarding foul water drainage is suggested.

From a trees perspective there is a protected cedar at this site. The tree is a young mature specimen with the potential to grow considerably larger. It is graded B in the tree survey accompanying the application and is shown on the plan to be only 4.4 metres from the proposed house. The RPA is 4.5 metres and whilst the encroachment into the RPA is only small the separation between the house and the tree is inadequate for such a large growing species. Following discussions and information regarding the accuracy of the plan in respect of the tree location, the

applicant has submitted a further tree consultant's statement regarding the tree. The consultant is correct in that the proposed house is outside the RPA of the tree and with adequate protection the construction work will not harm the tree. However concern is raised that it states that building should be sited to allow for adequate space for a trees natural development. A blue atlantic cedar can have a spread of 15 metres and the relationship between the proposed house and tree is inadequate to allow the tree to develop to its full potential. There is likely to be post development pressure for inappropriate pruning or felling of the tree. A reason for refusal is supported based on the future impact on the tree.

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 is a substandard sightline to the south, as acknowledged in the Transport Note supplied with the application.

It is normal to measure the sightline from 2.4m back and the advice in Manual for Streets is that 2m back can be used in low trafficked slow speed situations which is not considered to be the case here. The sightline from 2m back is shown at just under 43m, the stopping distance from 30mph. It is considered that speeds here could be over 30mph and so without a speed survey the sightline may not be adequate even from 2m back.

The Transport Note puts forward the contention that an extra house will only generate a small increase in traffic through the access. The current Alma Barn Mews development was allowed with the existing accesses because of the argument at the time that the trips replicated those from the previous agricultural/storage use of the site. This proposal is over and above that use and any increase in traffic will increase the potential conflicts with vehicles in Chelsfield Lane.

Consequently it is considered that the previous refusal on sightline grounds is still valid and should be applied to this application

The proposed steps to Chelsfield Lane are show on land outside of the applicant's control. This appears to have been dedicated as highway in the 1960's so the applicant will need to get the Council agreement to install the steps although that may not materially affect the development. Should permission be granted the construction phase will be potentially disruptive and a detailed construction management plan would be required.

## **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**

A modest single storey rear extension to no 15 was allowed in 1968.

Recently application ref. 12/03886 was refused for a proposed dwelling on this site for the following reasons:

- 1 The proposed dwelling by reason of its design and layout would result in unacceptable overlooking to the gardens of 14, 15 and 16 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.
- 3 The insertion of a new dwelling in the garden of No. 15 Paddocks Close would constitute a cramped overdevelopment poorly related to the neighbouring properties and harmful to the character and amenities of the area, contrary to Policies H7 and BE1 of the Unitary Development Plan.

## **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. It is also necessary to consider whether the previous grounds of refusal have been overcome by the amended design of the dwelling.

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. The design of the dwelling has been amended since the previous refusal by a reduction in height by around 0.85m and the introduction of a long sloping roof facing towards no.15. The proposal would involve a substantial proportion of built development with

regard to the overall size of the site, and the impact on the area and adjacent properties requires careful consideration. On balance, with regard to the character of development and in particular dwellings in relation to their plots in the wider area, Members may consider this amended scheme to be 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, albeit reduced from that in the previous application. 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. Since the previous application the design has been improved by removing first floor windows facing no.15 and the rear garden of no.14, and the introduction of a longer sloping roof facing no.15 and this is an improved relationship. 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. There will be a degree of visual impact for the occupiers of 14 given the general proximity of the development, however the relationship is improved compared to the previous proposal.

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 remain concerns raised previously 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. The Transport Note puts forward the contention that an extra house will only generate a small increase in traffic through the access. The current Alma Barn Mews development was allowed with the existing accesses because of the argument at the time that the trips replicated those from the previous agricultural/storage use of the site. This proposal is over and above that use and any increase in traffic will increase the potential conflicts with vehicles in Chelsfield Lane. A refusal ground is recommended on this basis.

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.

Since the previous application, a Tree Preservation Order has been placed on a cedar tree within the site. Although it is considered that construction could be carried out without any detriment to the tree, it is considered that there would be post development pressure to prune and ultimately remove the tree and there are strong objections raised on this basis. This is considered sufficient to warrant a ground of refusal.

In summary, although there will be a change to the character and appearance of the area as a result of the proposal, on balance the overall size of the site and size and design of the proposed dwelling may be considered acceptable. The impact on the adjacent listed building is considered acceptable subject to suitable materials, and the previous refusal ground relating to overlooking has been overcome. However, there remain issues of highway safety which conflict with established policy. . Therefore the proposal is considered unacceptable with regard to the impact on the protected cedar tree from post development pressure, 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 files refs. 12/03386 and 13/01227, excluding exempt information.

#### **RECOMMENDATION: PERMISSION BE REFUSED**

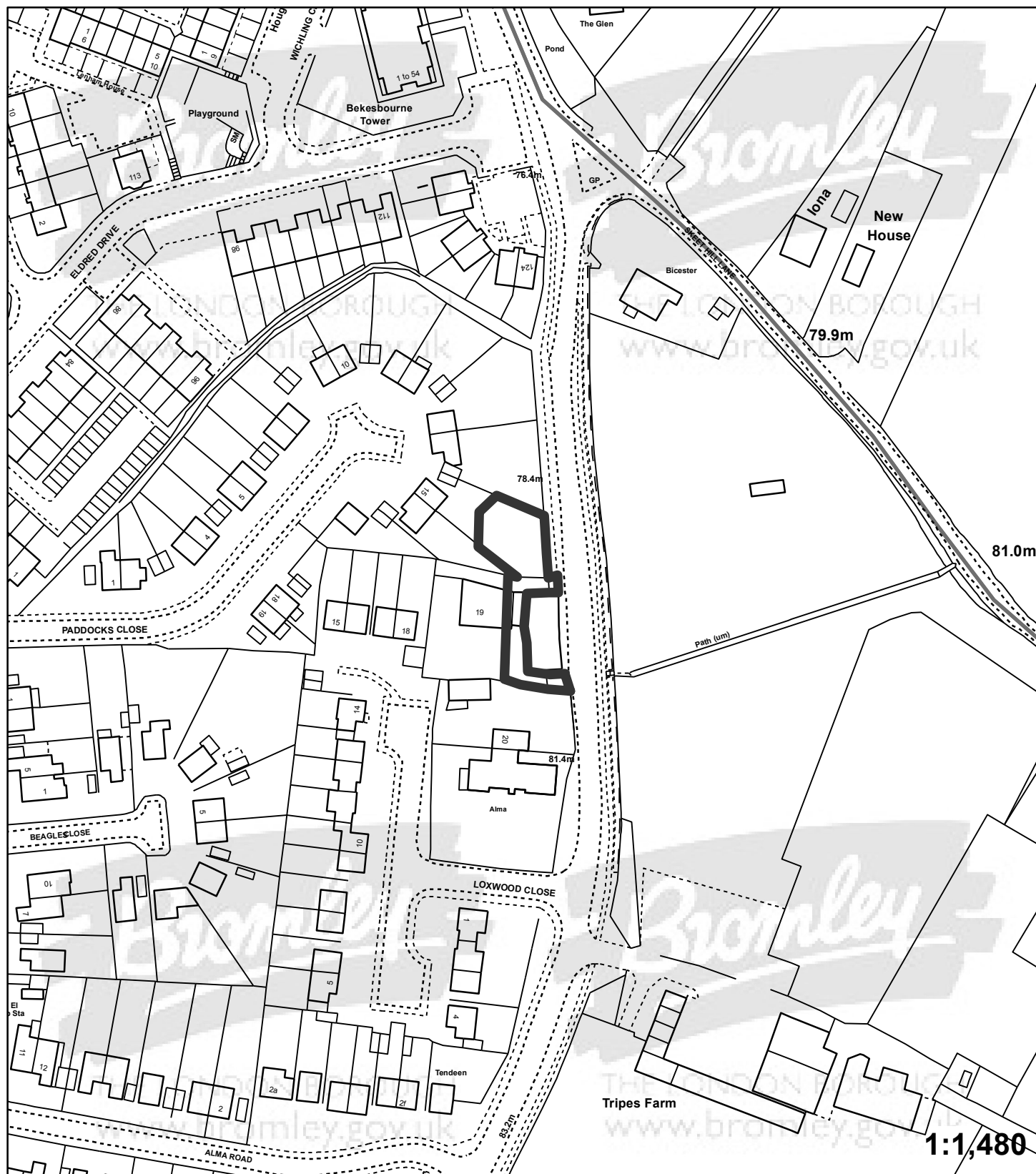
The reasons for refusal are:

- 1 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.
- 2 The proposed dwelling by reason of its size and siting would result in unacceptable post development pressure on the protected cedar tree within the site which would be contrary to Policy NE7 of the Unitary Development Plan.

**Application:**13/01227/FULL1

**Address:** 15 Paddocks Close Orpington BR5 4PP

**Proposal:** 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.



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

© Crown copyright and database rights 2013. Ordnance Survey 100017661.