

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

Application No : 13/00929/FULL1

Ward:
Bickley

Address : 102 Nightingale Lane Bromley BR1 2SE

OS Grid Ref: E: 541262 N: 169111

Applicant : Mr Faisal Younus

Objections : YES

Description of Development:

Erection of part subterranean detached 3 bedroom dwelling with associated access road at land at rear of 102 Nightingale Lane.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Local Cycle Network
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency

Proposal

Planning permission is sought to construct a part subterranean dwelling within the rear part of the plot at 102 Nightingale Lane, within what currently forms part of its rear garden. The dwelling would be accessed via a "grasscrete" drive between Nos. 102 and 104 Nightingale Lane (within land situated within No 102's existing curtilage). The proposed dwelling would be of irregular shape and occupy a fairly central position within its plot and incorporate a flat roof with the lower level accommodation partly visible below the proposed upper floor.

One off-street parking space is proposed within the development.

The application is accompanied by a Design & Access Statement which also sets out the environmental credential associated with the proposed development.

Location

The application site forms part of the rear garden area of a detached two storey dwelling and is 0.1ha in area. The surrounding area is wholly residential area in character and is characterised by individual houses, the majority of which are set within generous plots.

The site contains a large detached house constructed in the early-Twentieth Century which fronts Nightingale Lane. The property forms part of a distinct cluster of detached houses which, on the whole, incorporate substantial rear gardens and maintain a generous separation to the neighbouring buildings. The site also adjoins the properties Nos. 17 and 19 Wanstead Road – located to the west – also substantial houses surrounded by large areas of garden. The eastern site boundary adjoins a flatted development at Field Close which forms a self-contained development of 14 apartments set within a large open plot.

Comments from Local Residents

Nearby owners/occupiers were notified of the application and at the time of writing no representations had been received.

Comments from Consultees

Technical Highways objections have been raised, summarised as follows:

- site plan show that the access to the proposed building and emergency vehicles is via the existing driveway at number 104 Nightingale Lane. The gate at the entrance is too narrow and it looks like that the layout of access is not going to work because of the gate / sharp turning and will also have an effect on parking of No 104 Nightingale Lane
- the area has a low PTAL rating. At least two off-street parking spaces should be provided

Comments have been raised by Environmental Health: adequate means of ventilation should be provided to the bathroom and en-suite

The Council's Drainage consultant has raised no objection, subject to conditions.

Planning Considerations

Policies BE1, H7, T3 and T18 of the Unitary Development Plan apply to the development and should be given due consideration. These policies seek to ensure a satisfactory standard of design which complements the qualities of the surrounding area, and which does not adversely affect neighbouring amenity; to ensure the provision of adequate parking; and to ensure that new development does not adversely affect road safety.

The National Planning Policy Framework also constitutes an important material consideration.

Planning History

Various planning applications for proposed extensions to the existing dwellinghouse at No. 102 Nightingale Lane have been submitted to the Council since 2010.

Residential extension applications

Under ref. 10/03306, planning permission was granted for two storey side and rear extensions to the existing dwelling at No 102. This followed an earlier application for more substantial extensions under ref. 10/01318 which was refused and dismissed at appeal. More recently, under ref. 13/00177 planning permission was granted for a more modest part one/two storey side and rear extension and two rear dormers

Within the adjoining site planning permission was granted under ref. 11/00697 to demolish the bungalow at No 104 and construct a detached two storey 5 bedroom dwelling. Alternative proposals, involving the provision of a first floor addition to the existing structure, were permitted under refs. 09/03548 (subsequently renewed under ref. 13/00327) and 13/00185.

Previous application for new residential development on the site

Under ref. 11/01751, an outline application involving the erection of 2 detached two storey dwellings with an associated access road at land at the rear of 102 Nightingale Lane was refused by the Council on the following grounds:

“The proposed development, which would result in the loss of undeveloped garden land, constitutes a cramped and unacceptable form of backland development, out of character with adjoining development and harmful to the visual amenities of the area, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and Planning Policy Statement 3 – Housing (2010).

The proposed access would harm the living conditions of the existing properties at Nos. 100 and 102 Nightingale Lane by reason of noise and disturbance, contrary to Policies H7 and BE1 of the Unitary Development Plan”.

A subsequent planning appeal was dismissed, the Planning Inspector raising the following points:

“Development of the appeal site would change the character of the immediate area through the introduction of buildings on an otherwise open area of domestic garden. Although the site would be visible from private rather than public views this erosion of the open character would be harmful to the identity of the area.” (Para 7)

I conclude on the first issue that the proposed development would create a cramped form of backland development harmful to the character of the area. (Para 9)

The proposed access drive would be close to both existing dwellings and adjacent to the rear garden of No 100. The introduction of vehicles to the rear of Nos. 100 and 102 would introduce a degree of noise and disturbance that would affect the living conditions of the occupants of those dwellings.(Para 12)

I conclude on the second issue that due to the proposed separation distances between buildings and the proximity of the access drive to dwellings, the proposed development would be harmful to the living conditions of the occupants of neighbouring dwellings.” (Para 13)

As noted above, the Inspector raised an additional concern on the basis of the proximity between the proposed buildings and neighbouring properties which would be harmful to their living conditions.

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 application site is occupied by a detached dwelling fronting Nightingale Lane and incorporates a substantial rear garden which adjoins other properties to the side and rear.

In support of the application, the agent refers to the size of the plot, arguing that this is similar to neighbouring properties. A plot ratio is used to illustrate this point. However, in contrast to neighbouring units, the proposed development would rely on the creation of a dedicated access road which would be situated between Nos. 102 and 104 Nightingale Lane. Such an arrangement is considered uncharacteristic of the surrounding area.

The Council’s UDP Housing chapter states, in Paragraph 4.40, that: “Backland development, involving development of land surrounded by existing properties, often using back gardens and creating a new access, will generally also be resisted. Private gardens can be of great importance in providing habitats for wildlife, particularly in urban areas.”

In the case of the 2011 application (ref. 11/01751) it was recognised by the Planning Inspector that the site is within a “well established suburban area ... characterised by its residential nature and its well-kept and mature gardens. ...the area has a varied appearance in building character and plot size. Development of the appeal site would change the character of the immediate area through the introduction of buildings on an otherwise open area of domestic garden. Although the site would be visible from private rather than public views this erosion of the open character would be harmful to the identity of the area.”

Section 6 of the NPPF (Paragraph 53) states that: “local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.” This would appear to reinforce the provision laid out in the Council’s UDP in relation to backland development.

Despite the differences between this proposal and the dismissed 2011 scheme it is considered that the principle concern, regarding the development of the rear part of the garden at No. 102 with a new dwelling, would not be overcome. The proposal

would involve the loss of the existing rear part of the garden with a new dwelling which would erode the open suburban character of the site, and introduce more intensive activity on to the site, as is associated with housing development. This proposal could also be used to justify such development within similar residential garden sites, thereby undermining established spatial standards and associated development patterns.

Further concerns are raised on the basis that the proposed access would, by reason of its close proximity, harm the living conditions of the existing properties at Nos. 102 and 104 Nightingale Lane through noise and disturbance; and on the basis that the gate at the entrance is too narrow and it looks as if the layout of access will be impractical because of the gate / sharp turning. In addition, given that the area has a low PTAL rating the provision of a single off-street parking space is considered inadequate.

Background papers referred to during production of this report comprise all correspondence on files refs. 09/03548, 10/01318, 10/03306, 11/01751, 13/00185, 13/00327 and 13/00929, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposed development, which would result in the loss of undeveloped garden land, constitutes a cramped and unacceptable form of backland development, out of character with adjoining development and harmful to the spatial characteristics of the area, thereby contrary to Policies H7 and BE1 of the Unitary Development Plan and Paragraph 53 of the National Planning Policy Framework.
- 2 The proposed access would harm the living conditions of the existing properties at Nos. 102 and 104 Nightingale Lane by reason of noise and disturbance, contrary to Policy BE1 of the Unitary Development Plan.
- 3 If permitted the development would be likely to set a pattern for similar undesirable backland development which would undermine the character and spatial standards associated with the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 4 The layout of the access roads and turning arrangements to the proposed dwelling is inadequate and as such would be prejudicial to vehicle movement within the development, contrary to Policy T18 of the Unitary Development Plan.
- 5 The proposal lacks adequate on-site car parking and will be likely to lead to increased demand for on-street car parking in surrounding roads detrimental to the amenities of nearby residents and prejudicial to the free flow of traffic and conditions of general safety along the highway, thereby contrary to Policies T3 and T18 of the Unitary Development Plan.

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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"

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