

SECTION '2' – Applications meriting special consideration

Application No : 13/02483/FULL1

Ward:
Farnborough And Crofton

Address : 68 Lovibonds Avenue Orpington BR6
8EW

OS Grid Ref: E: 543870 N: 165225

Applicant : Mr D Watson

Objections : YES

Description of Development:

Construction of a detached four bedroom two storey detached dwelling with associated parking access and landscaping.

Proposal

- It is proposed to construct a detached four bedroom two storey detached dwelling
- with associated parking access and landscaping.
- The dwelling will have a height of 8.0m, a width of 10.7m and a depth of 14.5m.

Location

The application site is set to the south eastern edge of Lovibonds Avenue and comprises a large detached two storey dwelling set on a wide plot.

Comments from Local Residents

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

- application is not unexpected and is essentially a rehash of the previous refusal
- streetscene drawing is misleading
- Lovibonds Road is a busy traffic carrying road
- reduced bulk and scale of dwelling, but it remains considerably larger than either
- No. 68 or 64.
- loss of amenity and light to No. 64
- increase in side space is not sufficient
- impact on parking and highway safety

Comments from Consultees

Environmental Health is satisfied with the proposals subject to informatives.

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

No technical highways objections are raised subject to conditions.

From a legal perspective, the proposed imposition of a S106 legal agreement is considered acceptable and suitable in this case.

Planning Considerations

Policies relevant to the consideration of this application are BE1 (Design of New Development), G8 (Urban Open Space), H7 (Housing Design and Density), T3 (Parking), T18 (Road Safety) and NE7 (Development And Trees) of the adopted Unitary Development Plan.

The National Planning Policy Framework, The London Plan and the Council's adopted SPG guidance are also considerations.

Planning History

Permission has been refused for the extension and conversion of the existing rear garden outbuildings and subdivision of the plot to create a new detached dwelling with associated access, parking and landscaping under reference 11/00623/FULL1.

A preceding application for similar development under 11/00571/FULL1 was withdrawn.

Permission has been refused for the demolition of the existing garages and erection of a two storey detached dwelling with associated access, parking and landscaping under reference 12/02097/FULL1. The reasons for refusal were:

'The proposal, by reason of the excessive depth and angled positioning of the dwelling beyond the rear elevation of No. 68 Lovibonds Avenue, would be over-dominant and detrimental to the amenities of the occupants of that property, contrary to Policy BE1 of the Unitary Development Plan.

The proposal, by reason of its width, scale and mass would result in an overdevelopment of the site, out of keeping with the character and appearance of this part of Lovibonds Avenue, contrary to Policies BE1 and H7 of the Unitary Development Plan.'

Planning permission was refused under ref. 12.03594 for construction of a 4 bedroom, two storey detached dwelling, with associated parking, access and landscaping. The refusal grounds were as follows:

'The proposals, by reason of the excessive forward projection of No. 64 Lovibonds Avenue would appear excessively bulky and contrary to the spacious character of Lovibonds Avenue, contrary to Policies H9, BE1 and H7 of the Unitary Development Plan.

The proposals, by reason of the dwellings excessive rearward depth beyond the existing rear elevation of No. 68 Lovibonds Avenue, would be over-dominant and detrimental to the amenities of the occupants of that property, contrary to Policy BE1 of the Unitary Development Plan.'

Planning permission was refused under ref. 13/00688 for construction of a detached four bedroom two storey detached dwelling with associated parking access and landscaping. The refusal grounds were as follows:

'The proposal, by reason of the dwelling's excessive rearward depth beyond the existing rear elevation of No. 68 Lovibonds Avenue, would result in an over-dominant form of development that would be detrimental to the amenities of the occupants of that property by way of a harmful visual impact and loss of outlook, contrary to Policy BE1 and H7 of the Unitary Development Plan.'

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 highway safety is also a consideration.

This application is a resubmission of refused applications 12/02097, 12/03594 and 13/00688. The dwelling is of the same traditional mock-Tudor style as previously proposed incorporating front gable projection with timber cladding, and the use of brick and render. No objection was previously raised with regard to the design of the dwelling.

The proposal will continue to provide a 1.5m side space to the southern boundary, however the side space to the northern boundary (adjoining No. 68) has been reduced to 1.0m as the dwelling will be 0.5m wider than the previous refused scheme. The result will be a closer proximity to the dwelling at No. 68. Despite this, subject to a legal agreement to construct the extension to No. 68 simultaneously with the new dwelling, this relationship is considered acceptable.

The plot is comparable in size with those in the locality. The dwelling has been re-designed to site the dwelling in line with No. 68 and there would be a forward projection of 4m forward of No. 64. A part of the front elevation has been removed so that the dwelling will step back to respect the building line of No. 64. Lovibonds Avenue has a consistent building line, with the exception of this plot, which fronts the curve in the road, meaning that Nos. 64 and 68 are staggered. However, given their spacious separation this does not appear incongruous in the setting, with the side space of No. 68 (presently occupied by single storey garages) adding to the spatial quality of the area.

With regard to amenity, previously proposals had an unacceptable rearward projection beyond the host dwelling, No. 68 Lovibonds Avenue. In an attempt to address this issue, in addition to the previously refused revisions, the rear projection under ref. 13/00688 had been reduced in respect to No. 68 by 1.1m by removing a section at the rear of the house. This reduced rear projection remains under the current application and the house will extend beyond the existing rear building line of No. 68 by 7.5m.

The two storey rear extension to No. 68 has been approved under reference 12/03280/FULL6 and the plans submitted illustrate the relationship between the extended host dwelling and new proposed dwelling, which appear to extend to a similar rearward point. However, this extension has not been constructed, and therefore the applicant has voluntarily suggested a legal agreement to cover this issue. On this basis, it is considered that the rearward projection beyond the proposed rear wall of No. 68 would be acceptable, removing the amenity impact previously considered unacceptable.

With regard to No. 64, there would be a projection of 1.8m rearward of this dwelling. This is considered acceptable and the resulting rearward projection beyond this neighbour would not be considered harmful to outlook or light.

The proposals provide an integral garage and off street parking, accessed by an existing vehicular crossover. This raises no objection from a highways perspective.

A S106 legal agreement is recommended to ensure that the previously approved extension to No. 68 is constructed simultaneously with the dwelling hereby permitted or prior to the occupation of the new dwelling..

Having had regard to the above it was considered that the proposal is acceptable in that it would not impact harmfully on the amenities of neighbouring properties and would not impact detrimentally on the character of the area. No impact on highway safety would result from 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. 12/03280, 12/03594, 13/00688 and 13/02483, excluding exempt information.

RECOMMENDATION: PERMISSION SUBJECT TO THE PRIOR COMPLETION OF A LEGAL AGREEMENT

and the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |
| 3 | ACA07
ACA07R | Boundary enclosure - no detail submitted
Reason A07 |
| 4 | ACC07 | Materials as set out in application |

- ACC07R Reason C07
- 5 ACD02 Surface water drainage - no det. submitt
ADD02R Reason D02
- 6 ACH03 Satisfactory parking - full application
ACH03R Reason H03
- 7 ACH29 Construction Management Plan
ACH29R Reason H29
- 8 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to prevent the overdevelopment of the site.

- 9 ACI12 Obscure glazing (1 insert) in the first floor flank elevation
ACI12R I12 reason (1 insert) BE1
- 10 ACI17 No additional windows (2 inserts) first floor flank
development
ACI17R I17 reason (1 insert) BE1
- 11 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 of the area and the amenities of the nearby residential properties.

- 12 ACK05 Slab levels - no details submitted
ACK05R K05 reason
- 13 A side space of 1.0m shall be provided between the northern flank wall of the development hereby permitted and the northern flank boundary of the property, and a minimum side space of 1.5m shall be provided between the southern flank wall of the development and the southern flank boundary of the site.

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

INFORMATIVE(S)

- 1 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.
- 2 If during works on site suspected contamination is encountered, Public Protection should be contacted immediately. The additional contamination shall be fully assessed and an appropriate remediation scheme submitted to the Authority for approval in writing by it or on its behalf.
- 3 Before the use commences, the applicant is advised to contact the Pollution Team of Public Protection regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

- 4 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

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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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