

SECTION '2' – Applications meriting special consideration

Application No : 13/03420/FULL1

Ward:
Hayes And Coney Hall

Address : 53 Kechill Gardens Hayes Bromley BR2
7NB

OS Grid Ref: E: 540392 N: 167128

Applicant : Mr Paul Nevard

Objections : YES

Description of Development:

Erection of two storey dwelling with garage and additional attached garage to serve 53 Kechill Gardens on land adjacent 53 Kechill Gardens

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line

Proposal

The application proposes the erection of a two storey dwelling with garage and additional attached garage to serve 53 Kechill Gardens. The scheme has been submitted in order to address the previous grounds of refusal and Inspector's comments within the appeal decision.

A street elevation has been submitted as part of the application which demonstrates that the ridge height of the proposed dwelling will not exceed the highest part of the ridge to number 53. The design proposes a 1m separation from the northern boundary for the two storey element but incorporates a 'link-detached' approach to the garage provision. The boundary to the south proposes an approximately 1.4m side space to the front of the dwelling with the boundary tapering off to propose a minimum of 1.10m side space to the rear.

A 34.50m rear garden with a minimum width of 8m is proposed.

Location

The site is a semi-detached two storey dwelling house located to the northern end (cul-de-sac) and on the west side of Kechill Gardens. The immediate vicinity comprises a mix of semi-detached two storey and bungalow development.

Comments from Local Residents

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

- the land is not adjacent to no. 53 Kechill Gardens, it is the garden of no. 53. Deed Covenants relate to 1 house per plot, this would be 2
- contrary to side space planning policy
- over- development
- garden grabbing
- plans submitted and description do not appear to be in keeping with intention; plans show straight garden strips to the rear boundary - the original house has already been fenced off leaving an outer 'L' shaped garden
- drainage - not shown on the plans as required; would have to go out separately not to existing as stated
- contrary to the statement there are trees on the site
- the current use of the site has been left blank on the application form
- assumption that there would be no conflict of interest with the applicants position with the LBB

Comments from Consultees

Highways Planning have been consulted and their comments note that the new dwelling house will be accessed via an existing vehicular crossover (to be altered) leading to the parking area. In addition the donor property can accommodate up to 2 cars within its curtilage. They comment that garages should normally have minimum internal dimensions of 2.6m in width by 6m in length and therefore conditions should be applied in the event of a planning permission.

No Drainage or Environmental Health objections are raised to the proposal however, in the event of a planning permission conditions and informatives are suggested.

Comments from the Environment Agency will be reported verbally to Committee.

Planning Considerations

The application falls to be determined in accordance with the NPPF, the London Plan and the following policies of the Unitary Development Plan:

BE1 Design of New Development
H7 Housing Density and Design
H9 Side Space

Supplementary Planning Guidance 1
Supplementary Planning Guidance 2

Planning History

The planning history includes the following:

- 12/02589 - Part one/two storey side and rear extension - Permission
- 12/03353 - Two storey detached dwelling house - Refused for the following reason: The proposal represents an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan and the appeal was dismissed
- 13/00228 - Demolition of two storey extension and erection of two storey detached dwelling together with associated work to provide off street parking - Refused for the following reason:

The proposal represents an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan and the appeal was dismissed

Conclusions

The main issues relating to the application are the impact that it would have on the amenities of the occupants of surrounding residential properties, the effect that it would have on the character of the area, and whether the proposed scheme has sufficiently addressed the previous grounds of refusal at appeal.

In terms of the impact of the development on neighbouring amenities given the size, siting and design of the proposed dwelling it is not considered that the scheme will have such a negative impact on neighbouring amenities to warrant a planning refusal in this respect.

In respect of the effect that the development would have on the character of the area it should be noted that the previous grounds of refusal were concerned with overdevelopment of the site and harm caused to the spacious character of the surrounding area. The subsequent appeal decisions, now material considerations in any future development proposal at the site, noted that the gaps in between the pairs of houses provide substantial and important visual break along Kechill Gardens; combined with the setback of houses behind garden frontages and/or driveways an attractive, open and spacious quality to the area was provided. The Inspector's decision also noted that the houses in 'this part' of the street are semi-detached and provide a rhythm and uniformity to the area which serves to enhance its character and appearance. The Inspector opined that the introduction of a detached dwelling would appear alien and out of keeping with the surrounding area.

Neighbour concerns continue to be raised in respect of overdevelopment of the site. Objections also cite that covenants are in place. It should be noted that covenants are outside of planning jurisdiction and are a private legal matter between the parties concerned.

Local concerns are raised in that the scheme does not accord with Policy H9 (sidespace). 1m side space from the main two storey flank wall is provided

however the 'link-detached' design approach means that 1m is not retained for the full height and length of the flank wall of the building. The policy seeks to prevent a cramped appearance and unrelated terracing from occurring. The design approach taken in this particular circumstance was to relate to local context and to seek to address previous grounds of refusal. The submitted street scene is useful in that it demonstrates that the design approach taken does not result in unrelated terracing or a cramped appearance in this particular instance.

The statement in support of the application draws attention to other examples, in close proximity to the site, of detached dwellings and how the proposal relates to the wider street scene. It notes that '... the area is made up of generous spaces in between pairs of houses which contain either low, single storey garage, extensions the whole width of the plots or, as in the current case, garden land...' Attention is importantly drawn to the property at 82 and 84 Kechill Gardens which presents a near identical arrangement to that as proposed, less than 200m from the application site.

A brief survey of the surrounding dwellings revealed many had been previously extended and eroded the extent of side space originally allocated to the plots; it is the application site which offers the greater extent of openness in the vicinity and the Inspector found the site of particular value in this respect. As referred to above, the appeal decision which now forms a material consideration in any future application found the site made a significant contribution to the open and spacious qualities of the area and additionally stated that the introduction of a detached dwelling would appear alien and out of keeping with the surrounding area.

It is noted that the planning history does allow for a substantial two storey side extension to the existing house with a side space to the southern boundary c 3.7m.

The previous planning reports for applications for detached dwellings at this site have received positive recommendations in the light of prevailing planning policy; Policy BE1 requires that development should be imaginative and attractive to look at and should complement the scale, form, layout and materials of adjacent buildings. Government guidance, and that contained within the London Plan, require Councils to maximise the best use of urban land where appropriate when considering new residential developments. Guidance also advises that development should be sought that allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area. It also states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. There is often a fine balance to be considered with such development proposals and it was such that the schemes were eventually refused and subsequently dismissed at appeal. Whilst it is noted that the current scheme is not considered to have a detrimental impact on neighbouring amenity and draws on local context Members may consider that, in the light of the appeal decision, the revised proposal continues to undermine the specific qualities of openness and form to which the Inspector attached great importance to, and therefore, on balance, permission should be refused.

In the event of a planning permission it should be noted that the development will be CIL (Community Infrastructure Levy) liable.

Background papers referred to during production of this report comprise all correspondence on files refs. 03/03279, 12/02589, 12/03353 and 13/00228, excluding exempt information.

RECOMMENDATION: PERMISSION BE REFUSED

The reasons for refusal are:

- 1 The proposal represents an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London 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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