

SECTION '2' – Applications meriting special consideration

Application No : 13/03646/FULL1

Ward:
Bickley

Address : Red Tree Cottage Bickley Park Road
Bickley Bromley BR1 2BE

OS Grid Ref: E: 543006 N: 169024

Applicant : Mr Neal Penfold

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of detached two storey building with accommodation in roofspace comprising of 5 two bedroom flats with 5 car parking spaces, cycle and refuse stores, and front and rear balconies and terrace.

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
London City Airport Safeguarding Birds
London Distributor Roads
Open Space Deficiency

Proposal

It is proposed to demolish the existing chalet bungalow on this site and erect a detached two storey building with accommodation in the roof space comprising 5 two bedroom flats, widen the existing access onto Bickley Park Road, and provide 5 car parking spaces and a refuse store on the frontage.

Location

This detached chalet bungalow is located on the northern side of Bickley Park Road, close to the junction with Blackbrook Lane, and lies within Bickley Area of Special Residential Character. The site measures 0.115 hectares and has a frontage of 23m to Bickley Park Road. The site is bounded to the east by a recently built replacement dwelling at Lane End, and to the west by an access road which leads to a detached dwelling at the rear of the site known as Elmhurst.

Comments from Local Residents

A letter of objection has been received from the occupiers of Elmhurst to the rear, and the main concerns raised are summarised as follows:

- overlooking from rear balconies
- overintensive use of the site
- noise and disturbance from future occupiers
- inadequate parking provision
- traffic hazard from cars entering and leaving the site on this busy road
- a single replacement dwelling would be more in keeping with the surrounding area.

Comments from Consultees

The Council's Highway Engineer raises no objections with regard to the parking layout and widened access, but has some concerns regarding the location of the refuse store which appears too far from the road, and the access to it appears too close to parking bay 2 and may not be wide enough to manoeuvre a Eurobin.

With regard to trees on the site, the only significant tree is a plane tree which is graded A and is covered by a TPO. This tree would not be directly affected by the proposals, but standard tree protection conditions are suggested.

No objections are raised from an environmental health point of view, and Thames Water have no concerns.

No objections are raised in principle from a drainage point of view, subject to the submission of further details of surface water drainage, including the potential for using a sustainable drainage system.

With regard to crime prevention issues, further details should be submitted by way of a condition in order to address crime prevention.

Planning Considerations

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

- BE1 Design of New Development
- H7 Housing Density & Design
- H9 Side Space
- H10 Areas of Special Residential Character
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees

Planning History

Permission was refused in January 2013 (ref.12/02816) for the erection of a detached two storey building with accommodation in the roof and basement

comprising a total of 8 two bedroom flats, with eight parking spaces provided at the front. It was refused on the following grounds:

- 1 The proposed block of flats would constitute an overdevelopment of the site by reason of the number of dwellings proposed, the amount of site coverage by buildings and hard surfaces and the lack of adequate amenity space, and would result in an overintensive use of the site which would be out of character with this part of Bickley Area of Special Residential Character, thereby contrary to Policies H7, H10 and BE1 of the Unitary Development Plan.
- 2 The proposals would result in an unsatisfactory standard of accommodation in relation to the basement flats which do not provide adequate natural lighting to nor outlook from the bedroom windows of these flats, and there is inadequate provision for external recreational space visible from within the basement flats, and as such the proposals are contrary to Policies H7 and BE1 of the Unitary Development Plan.

The subsequent appeal was dismissed in August 2013 on grounds relating to overintensive use of the site, excessive hardstanding and parking on the frontage which would be out of character with the area, substandard basement accommodation, and lack of adequate amenity space for the occupiers of the flats.

An application for a single replacement dwelling (ref.13/00781) was allowed on appeal in December 2013 (the applicant appealed against non-determination and the Council subsequently determined not to contest the appeal as the proposals were considered acceptable).

Conclusions

The main issues relating to the application are whether the proposals would constitute an overintensive use of the site, the effect on the character and appearance of Bickley Area of Special Residential Character and the amenities of the occupants of nearby residential properties, and the impact on traffic generation and road safety in the highway.

Policy H7 of the UDP allows for the redevelopment of older, lower-density properties, but stresses that such development should be sympathetic to and complement the surrounding residential area. It recognises that many residential areas are characterised by spacious rear gardens and well-separated buildings, and that developments which would undermine this character or would be harmful to residential amenity will be resisted.

Policy H10 of the UDP requires proposals to respect and complement the established and individual qualities of each Area of Special Residential Character. In this regard, the character of Bickley ASRC is "essentially that of spacious inter-war residential development, with large houses in substantial plots adjacent to the Conservation Areas of Chislehurst and Bickley."

This part of Bickley Park Road is generally characterised by detached dwellings set within generous plots, and the adjoining plot was recently developed with a larger detached dwelling (Lane End). An exception to this is a development of terraced townhouses which lies opposite the site (Reynard Close), while further to the east lies a 1960s development of terraced houses in Wellsmoor Gardens (outside the ASRC). The nearest flatted development along Bickley Park Road is a large converted property called Farrants Court which is set back from the road, and lies within a substantial plot approximately 80m away from the site.

The current scheme differs from the flatted development which was dismissed on appeal under ref.12/02816 in the following main ways:

- the number of flats has been reduced from 8 to 5
- no basement accommodation is now proposed
- a reduced area of hard surfacing and parking is now provided
- the overall height of the building has been reduced by 0.5-1m.

In the previous appeal for a block of 8 flats, the Inspector considered that although the proposed building would be larger in height and width than the existing bungalow, it would be comparable in scale with other buildings in the vicinity, and would appear in the street scene as a large detached house. She therefore concluded that the building would not harm the character and appearance of the Area of Special Residential Character.

The current proposals are for a slightly smaller building (in height), with comparable separation distances to the boundaries, therefore, the revised proposals are not considered to have a harmful impact on the character or spatial standards of the ASRC.

However, the previous Inspector was concerned about the intensification of the development which would require a significant amount of hardstanding at the front of the site in order to accommodate parking for 8 flats. She considered that this would be out of keeping with the maturely landscaped front gardens which are characteristic of the area.

The current proposals for 5 flats would require a significantly reduced area of hardstanding for parking and would remove the lightwells previously required for the basement accommodation, thus allowing a greater area for landscaping to be provided at the front of the site (greater than currently exists), which would be more in keeping with surrounding properties. Although there would still be parking for 5 cars on the site, this is not considered to be unduly intensive nor would appear out of character with the surrounding area.

The Inspector in the previous appeal was also concerned about the lack and unsuitability of some of the private amenity areas, particularly in relation to the basement flats, and considered that the 15-16m deep communal rear garden area was inadequate for a development of 8 two bedroom flats.

In the current proposals, the size of the communal rear amenity area would be increased to 21m in depth due to the removal of the basement areas and related

terracing, and given that the flats would also have private amenity areas in the form of balconies and terraces, the revised proposals are considered to provide adequate amenity space to meet the needs of this smaller development of 5 flats.

The previous application for the larger block of 8 flats was not considered either by the Council or the Planning Inspectorate to have a detrimental impact on the amenities of neighbouring properties, and similar considerations would apply to the current scheme. Durley Lodge to the west is separated from the site by the access road to Elmhurst, and the dwelling is set further back in its site than Red Tree Cottage, therefore, any impact resulting from the current proposals would be very limited. Likewise with Elmhurst which is situated a significant distance to the rear, and has a garage/store building adjacent to the rear boundary of the application site, thus reducing any impact.

However, the occupiers of Elmhurst have raised concerns about the current proposals in relation to overlooking from rear balconies, and noise and disturbance from future occupiers. Two small first floor balconies and a roof terrace are proposed at the rear of the building, but given the distance to the property at Elmhurst, this is not considered to cause either significant overlooking of this property or undue noise and disturbance from residents to warrant a refusal.

The rear balconies and roof terrace which may result in some overlooking of the neighbouring property at Lane End, however, a 2m high obscure glazed screen is proposed to the eastern side of the nearest balcony which would limit any overlooking of the rear of Lane End. Additionally the roof terrace should be provided with similar screening, and a condition can be imposed to this effect. The windows in the proposed eastern flank elevation would be obscure glazed, thus protecting privacy.

The occupiers of Elmhurst also raised concerns about the overintensive use of the site (which has already been addressed), inadequate parking provision, and potential traffic hazards from cars entering and leaving the site. The Council's highway engineer has confirmed that the parking and access arrangements are acceptable.

Having had regard to the above, it is considered that the current proposals have addressed previous planning objections and are acceptable in that they would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of Bickley Area of Special Residential Character.

Background papers referred to during production of this report comprise all correspondence on files refs. 12/02816, 13/00781 and 13/03646, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years

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| 2 | ACA05 ACA05R | Landscaping scheme - implementation Reason A05 |
| 3 | ACA08 ACA08R | Boundary enclosures - implementation Reason A08 |
| 4 | ACB01 ACB01R | Trees to be retained during building op. Reason B01 |
| 5 | ACB02 ACB02R | Trees - protective fencing Reason B02 |
| 6 | ACB03 ACB03R | Trees - no bonfires Reason B03 |
| 7 | ACB04 ACB04R | Trees - no trenches, pipelines or drains Reason B04 |
| 8 | ACB16 ACB16R | Trees - no excavation Reason B16 |
| 9 | ACC01 ACC01R | Satisfactory materials (ext'nl surfaces) Reason C01 |
| 10 | ACD02 ADD02R | Surface water drainage - no det. submitt Reason D02 |
| 11 | ACD06 ADD06R | Sustainable drainage system (SuDS) Reason D06 |
| 12 | ACH03 ACH03R | Satisfactory parking - full application Reason H03 |
| 13 | ACH18 ACH18R | Refuse storage - no details submitted Reason H18 |
| 14 | ACI12 ACI12R | Obscure glazing (1 insert) in the eastern flank elevation I12 reason (1 insert) BE1 |
| 15 | ACI17 ACI17R | No additional windows (2 inserts) eastern flank building I17 reason (1 insert) BE1 |
| 16 | ACI21 ACI21R | Secured By Design I21 reason |
| 17 | ACI24 ACI24R | Details of means of screening-balconies Reason I24R |
| 18 | ACK01 ACK05R | Compliance with submitted plan K05 reason |
| 19 | ACK05 ACK05R | Slab levels - no details submitted K05 reason |

INFORMATIVE(S)

- 1 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"