

SECTION '2' – Applications meriting special consideration

**Application No :** 13/03655/FULL1

**Ward:**  
**Bromley Common And  
Keston**

**Address :** Rivenhall Holwood Park Avenue  
Orpington BR6 8NG

**OS Grid Ref:** E: 542832 N: 164607

**Applicant :** Mr P Elliott

**Objections : YES**

**Description of Development:**

Demolition of existing dwelling and erection of two detached houses

Key designations:

Conservation Area: Keston Park  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency

**Proposal**

The application is for planning permission and for relevant demolition of an unlisted building in a conservation area. The proposal seeks to:

- demolish the existing unlisted detached house and associated tennis court;
- create two plots;
- on plot 1, erect a two storey dwelling with accommodation in the roof measuring 19.4m wide and 18m deep with an integral garage for 2 cars;
- on plot 2, erect a two storey dwelling with accommodation in the roof measuring 16.2m wide and 14m deep with a detached garage for 3 cars; and
- create an additional access to serve the new plot (plot 2).

Subsequent to the application being lodged the proposal has been revised to reduce the overall size of the houses with a consequential re-siting of the plot 2 house a further 2m away from the trees along the southern boundary. The application was re-consulted and the consultation period ends 13 March 2014. Although the consultation expiry date is after the date of writing this report, given that the amended proposal is for a reduction in size of the houses and a slight repositioning of the plot 2 house, it is considered reasonable to verbally report any comments received following re-consultation at the committee meeting.

## **Location**

Rivenhall is located at the southern end of Holwood Park Avenue within the designated Keston Park Conservation Area. The plot is of generous proportions with the existing dwelling sited on the northern side of the plot adjacent to the boundary with Courtways.

To the south of the existing house is a wide undeveloped side garden area that is currently occupied by an all-weather tennis court with the remaining area laid out as lawn. Along the southern boundary of the site are mature trees that form the edge of a larger area of woodland extending to the south.

On the frontage to the site there is a substantial, high, evergreen hedge fronting onto Holwood Park Avenue that provides screening from the road. There is also high hedging along the common boundary with Courtways.

The character of Holwood Park Avenue is established by large detached houses in spacious grounds. There have been a number of replacement dwellings erected in Holwood Park Avenue in recent years with some of the houses extending close to their flank boundaries.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and 2 representations supporting the proposal were received, which can be summarised as follows:

- Latest application appears to have addressed all the previous concerns of the planning department so, again fully supports and endorses this latest application; and
- No objection to the proposed development and would actively support it.

Nearby owners/occupiers were notified of the application and 5 representations objecting to the proposal were received, which can be summarised as follows:

- Reasons for refusal of the previous application have not been fully addressed;
- Proposal is over-development;
- Second house is not sited on the established building line and sits a long way back in the plot resulting in backland development;
- Second house will be too close to the bridleway;
- Access for the second house crosses over the grass verge and requires the consent of Keston Park;
- Does not accept the arboricultural report;
- Design and access statement is inaccurate;
- Keston Park Development Management Committee assured residents that adding 2 houses to an existing plot would not be approved;
- 'One house, one plot' is one of the park's original covenants and should be adhered to;

- Request to split a plot that has been established for more than 80 years is not maintaining the established character of Holwood Park Avenue;
- Character of Keston Park is one of large houses on mature plots and it is essential to maintain the integrity of each established plot;
- Breaking down established plots will set a precedent within the park;
- Request that the application be heard at a later committee as an agent for an objector cannot attend; and
- Request that the application be heard at a later committee as revised plans have been consulted on and the consultation period not yet expired.

The representations are available to view in full on file. Any further comments received will be reported verbally at the Plans sub-committee meeting.

### **Comments from Consultees**

#### External:

Advisory Panel for Conservation Area: No objection.

Thames Water: Would not have any objection to the application with regard to sewerage and water infrastructure capacity.

Ramblers Association: No response to consultation.

#### Internal:

From a conservation area point of view there is no objection to the principle of a new house in the proposed location as it would not be contrary to the character and appearance of this area.

From a trees and landscaping point of view it was advised that whilst the impact of the construction of a new house on the trees has been minimised there still remains the issue that the whole of the garden would be shaded throughout most of the day and this could lead to requests for trees to be removed or undesirable pruning out be carried out.

Note: Subsequent to these comments being received the applicant has revised the proposal to reduce the size of the 2 dwellings as well as moving the southern dwelling further away from the group of trees beside the bridleway. The applicant points out that the repositioning of the southern house in particular, augments the already satisfactory spatial relationship between it and the trees. Further comments are being sought from the Council's Tree officer and will be verbally reported at the Plans sub-committee meeting.

Highways: States access and parking is satisfactory.

Public Rights of Way: States registered bridleway BR220 runs along the southern boundary of the application site and due to its close proximity to the development, the applicant should be aware of the need to safeguard pedestrians using the

routes and that the routes must not be damaged or obstructed either during, or as a result of, the development.

Drainage: States that this site appears to be suitable for an assessment to be made of its potential for a sustainable urban drainage system (SUDS) scheme to be developed for the disposal of surface water and recommends standard conditions accordingly.

Public Protection (Pollution): No objection and recommends standard informatives.

## **Planning Considerations**

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

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- BE11 Conservation Areas
- BE12 Demolition in Conservation Areas
- BE14 Trees in Conservation Areas
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety
- NE7 Development and Trees
- ER13 Foul and Surface Water Discharges from Development

The following Council adopted SPG guidance is also a consideration:

Keston Park Conservation Area Supplementary Planning Guidance.  
Supplementary Planning Guidance 1 General Design Guidance  
Supplementary Planning Guidance 2 Residential Design Principles

London Plan policies:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 5.13 Sustainable drainage
- 7.4 Local Character
- 8.3 Community Infrastructure Levy

## **Planning History**

The site has an extensive planning history for replacement dwellings on the site as follows:

The most recent planning application (ref. 13/00051/FULL1) was refused for a new detached dwelling with a detached outbuilding. The reasons for refusal of the application being:

The proposal would be a cramped, overdevelopment of the site, detrimental to its visual amenities, spatial standards and character, contrary to Policies H7, H9, BE1 and BE11 of the Unitary Development Plan, the London Plan and the National Planning Policy Framework and Supplementary Planning Guidance and Keston Park Conservation Area SPG.

The proposal would, by reason of its height, scale and bulk as well as the siting in proximity to the existing dwellinghouse, result in an unneighbourly and over bearing form of development resulting in a loss of residential amenity to the occupiers of this same property. The proposal is therefore considered contrary to Policy BE1 of the Unitary Development Plan.

The proposal would, by reason of its proximity to the protected trees which contribute significantly to the special character and appearance of Keston Park Conservation Area, impact negatively on the long term health and stability of these same trees, contrary to Policies BE1, BE11 and NE7 of the Unitary Development Plan and Keston Park Conservation Area SPG.

The period for appealing the decision for the above application has expired.

Prior to the above application, planning permission (04/02185) and associated conservation area consent (04/02186) had been granted for demolition of the existing building and erection of a replacement detached seven bedroom house with triple garage. The period for implementation of the permission has been extended several times with the most recent (11/03822) being granted in 2012.

The earliest application for a replacement dwelling on the site (03/00099) and associated conservation area consent for demolition (03/00100) were refused and dismissed on appeal in 2004.

Given the above, the site still benefits from extant conservation area consent (11/03835) to demolish the existing dwelling and extant planning permission (11/03822) to extend the time limited for implementation of permission (08/04158) for erection of a detached seven bedroom house with triple garage. The planning permission expires on 6 February 2015 and the conservation area consent expires on 6 February 2017.

## **Conclusions**

### Layout, conservation and design:

It is considered important to note at the outset that, whilst objections to the proposal on the grounds of creating two plots on a site that was allegedly always one plot have been received (and disputed by the applicant) this is not considered to be a planning matter. Neither is the issue of Keston Park covenants with regard to subdivision also raised by objectors. How the application site as defined by the 'red line' came to be or how it was laid out in the past is not a matter for consideration rather the matter requiring assessment is whether the site as a whole can adequately accommodate two houses and whether it will comply with relevant policies.

The existing house has had a number of substantial extensions to it, is not listed and arguably has no intrinsic architectural merit. Furthermore, consents to demolish the building have been granted several times and the most recently refused application was not refused on demolition or loss of a building warranting retention.

To address the previous reason for refusal relating to a cramped, overdevelopment of the site, detrimental to its visual amenities, spatial standards and character, the revised proposal is materially different from the previous scheme in that, rather than seeking to insert an additional dwelling alongside the already consented scheme, the site has been treated as a whole and the two new houses have been sited and designed to achieve a much greater spatial separation and a more satisfactory relationship to each other.

It was considered that the previous application proposed a new house that whilst generally of comparable and acceptable scale would be positioned in close proximity to the existing house and with a side space of approximately 1.8m would appear cramped. To address the previous concerns the current application involves the proposed house on plot 1 being reduced significantly in size from the consented scheme and this would enable a separation between the two houses of approximately 6m. It is considered that such a separation distance is not inconsistent with other separation distances between dwellings in Holwood Park Avenue.

Whilst the proposed houses would have a staggered building line, with the southern house set further back road the road frontage, this is to take account of the Copper Beech tree and also breaks up the line of development avoiding any terracing effect whilst still being on a plot of sufficient size to accommodate the setback. Furthermore, despite the objection, the setback house on plot 2 is not 'backland' development as it is not land behind a developed area rather it is one site which fronts a road.

It is also noted that the Advisory Panel for Conservation Areas does have any objections to the proposal with regard to its layout or conservation and design matters.

Given the above and subject to conditions requiring the submission and approval of a suitable materials, the proposal is considered to be acceptable with regard to layout, conservation and design matters and to have overcome the previous reason for refusal.

Adjoining neighbouring amenity:

The previous application was refused as it was considered that it would by reason of its height, scale and bulk as well as the siting in proximity to the existing dwellinghouse, result in an unneighbourly and over bearing form of development resulting in a loss of residential amenity to the occupiers of this same property.

The current proposal that, as noted above, rather than seeking to insert an additional dwelling alongside the already consented scheme, has treated the site

as a whole and the two new houses have been sited and designed to achieve a much greater spatial separation and a more satisfactory relationship to each other. As well as overcoming the design concerns noted above, the revised proposal includes two houses that would now be sited in locations where there would be no unacceptable impact on the daylight/sunlight of plot 1 as a consequence of the positioning of plot 2. Additionally, although the houses are staggered, the position of plot 2 would be arguably little different to the relationship of plot 1 to the adjacent property at Courtways. There would be no mutual overlooking between the houses nor the unacceptable overlooking of private garden areas. The same conclusion is reached with Courtways that adjoins plot 1 to the north particularly given the high boundary treatment. It is also noted the occupiers have expressed their support to the application.

It is noted that a situation could arise whereby the new house on plot 2 is built and the existing house adjoining it to the north not demolished which would result in an unacceptable relationship with regard to neighbouring amenity. To prevent this, a condition is recommended requiring the demolition of the existing dwelling prior to development of the new house on plot 2.

Given the above, it is considered the revised proposal is acceptable with regard to adjoining neighbouring residential amenity and has overcome the previous reasons for refusal.

#### Trees and landscaping:

The arboricultural report submitted with the application argued that the originally submitted proposal would not harm the trees on the site as well as confirming that the Copper Beech to the front of the site can be retained and also that the Beech Tree to the south of the new house can also be retained.

However, subsequent to concern being expressed by Council officers regarding the proximity of the southern house to the group of trees on the boundary with the bridleway, the application has been amended to reduce the overall size of the houses with a consequential re-siting of the plot 2 house a further 2m away from the trees along the southern boundary.

Given that the revisions make the houses smaller and the southern house further away from the trees on the southern boundary, they are arguably considered to improve the situation. Therefore, whilst additional comments from the Council Tree Officer are still being sought at the time of writing this report, it is considered reasonable that the comments can be verbally reported to the plans sub-committee. In addition, whilst no alterations to the high hedge fronting Holwood Park Avenue are proposed, should they be proposed in the future, given their location within a conservation area, consent from the planning authority would be required.

Given the above and subject to conditions requiring the submission and approval of a suitable landscaping plan, arboricultural method statement and the use of an approved arboricultural officer, the proposal is considered to be acceptable with

regard to trees and landscaping matters and to have overcome the previous reason for refusal.

Highways, parking and access:

The application proposes a new access to serve the second house on the southern plot (plot 2). It also proposes an integral garage for two cars and forecourt parking space to serve the house on the northern plot (plot 1).

Whilst the objections in relation to access are noted, the previously refused application proposed an additional access and was not refused on access grounds. In addition, the question of rights across the verge and whether or not Keston Park would grant such access is not a planning consideration. If Keston Park was to refuse an additional access then arguably the existing access could be shared. Furthermore, the Council's Highway Development Engineer has no objection and states that access and parking are satisfactory. It would therefore be unreasonable to refuse the application on highway, parking or access related matters.

Background papers referred to during production of this report comprise all correspondence on the files refs. 13/03655, 13/00051, 11/03822, 11/03835, 08/04158, 08/04159, 04/02185, 04/02186, 03/00099 and 03/00100, set out in the planning history section above, excluding exempt information.

as amended by documents received on 27.02.2014

**RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1      ACA01      Commencement of development within 3 yrs  
          ACA01R      A01 Reason 3 years
- 2      ACK01      Compliance with submitted plan

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3      The demolition hereby permitted shall be completed prior to occupation of the new house on the southern plot (plot 2).

**Reason:** In order to comply with Policies H7 and BE1 of the Unitary Development Plan to prevent cramped development of the site and in the interest of the amenities of the adjacent property.

- 4      ACA04      Landscaping Scheme - full app no details  
          ACA04R      Reason A04
- 5      ACA07      Boundary enclosure - no detail submitted  
          ACA07R      Reason A07
- 6      ACB18      Trees-Arbicultural Method Statement  
          ACB18R      Reason B18
- 7      ACB19      Trees - App'ment of Arbicultural Super  
          ACB19R      Reason B19
- 8      ACC01      Satisfactory materials (ext'nl surfaces)



- ACC01R Reason C01  
 9 ACH03 Satisfactory parking - full application  
 ACH03R Reason H03  
 10 ACI02 Rest of "pd" Rights - Class A, B,C and E

**Reason:** In order to comply with Policies H7 and BE1 of the Unitary Development Plan to prevent overdevelopment of the site and in the interest of the amenities of the adjacent properties.

- 11 ACI17 No additional windows (2 inserts) above ground floor flank houses  
 ACI17R I17 reason (1 insert) BE1

12 The surface water drainage system to serve the development shall incorporate an outlet restricted to a 100mm diameter pipe to the surface water sewer and such work shall be completed before any part of the development hereby permitted is first occupied and permanently retained thereafter. 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; and
- Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

**Reason:** To ensure a satisfactory means of surface water drainage and to accord with Policy ER13 of the Unitary Development Plan.

- 13 ACD06 Sustainable drainage system (SuDS)  
 ADD06R Reason D06

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.

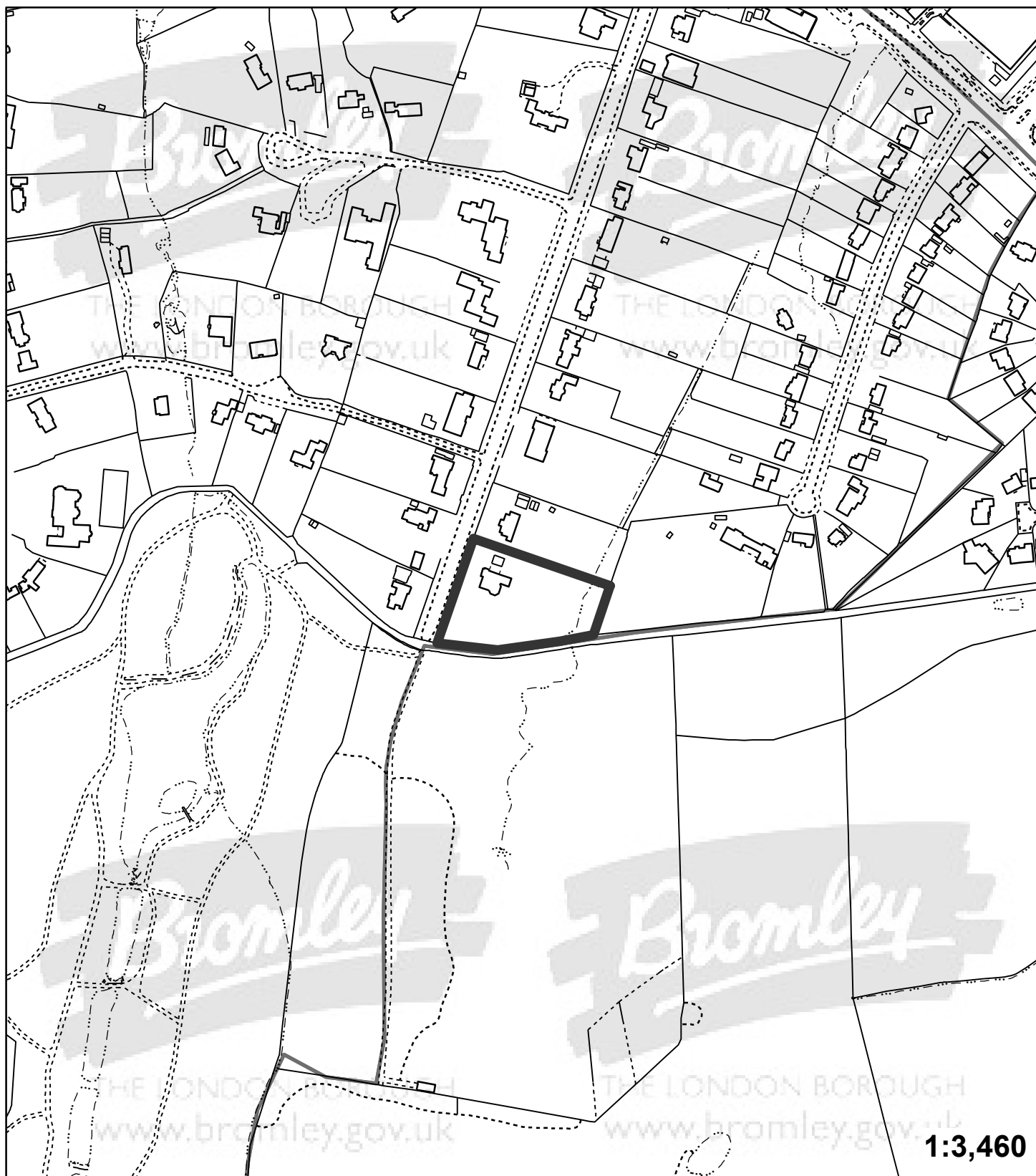
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

- 2 Registered bridleway BR220 runs along the southern boundary of the application site and due to its close proximity to the development, the applicant should be aware of the need to safeguard pedestrians using the routes and that the routes must not be damaged or obstructed either during, or as a result of, the development.
- 3 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.
- 4 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.

**Application:**13/03655/FULL1

**Address:** Rivenhall Holwood Park Avenue Orpington BR6 8NG

**Proposal:** Demolition of existing dwelling and erection of two detached houses



"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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