

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

**Application No :** 13/04058/FULL1

**Ward:**  
Penge And Cator

**Address :** 11 Provincial Terrace Green Lane Penge  
London SE20 7JQ

**OS Grid Ref:** E: 535774 N: 170281

**Applicant :** Akers Developments Ltd

**Objections :** YES

**Description of Development:**

Demolition of two-storey side extension and creation of access road; erection of a pair of two-storey semi-detached two bedroom houses with associated parking and residential curtilage.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
London Distributor Roads  
Open Space Deficiency

**Proposal**

This application seeks to address the previous grounds of refusal for a similar scheme; it proposes the demolition of an existing two-storey side extension to 11 Provincial Terrace and the creation of access road with the erection of a pair of two-storey, semi-detached two bedroom houses with associated parking and residential curtilage.

**Location**

The site is located on the north side of Provincial Terrace, Green Lane. It is bounded mostly by residential to the north, south and east of the site and a railway line to the west.

**Comments from Local Residents**

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

- loss of green space
- people will be living in front of as well as behind current residential
- loss of privacy/overlooking
- loss of natural light
- loss of security arising from new access
- query the extent of the existing extension
- it is not an extension being demolished but part of the original house
- loss of a large family home
- proposed access is very tight; highway issues include busy road, bus route, congestion from parking arising from existing uses
- access for emergency vehicles restricted
- safety of demolishing a property with subsidence
- how will the development be lit at night
- cramped development - doesn't comply with London Plan requirements
- out of keeping/negative impact on character of the area
- obtrusive development
- negative impact on air quality from new access, parking and reduced greenery
- increased noise
- too close to back wall of neighbouring property and shadow will be cast
- affect property value
- impacts in connection with on-going building works
- distress and endanger to pets (cats) and local wildlife

A petition has also been received with 27 signatories

### **Comments from Consultees**

Environmental Health (public health) comments raise concern with crowding and space in that the only communal living space in the proposed properties is combined with the kitchen and dining areas which is not desirable due to the risk of accidents associated with areas used for both food preparation and recreation. Additionally, the means of escape in the event of fire from the bedrooms is through the kitchen/living/dining room, which is a high risk room and, therefore, not desirable.

Environmental Health (pollution) have, in principle, no objections to the proposal and suggest informatives in the event of a planning permission.

No objections are raised from a Drainage point of view and informatives are suggested in the event of a planning permission.

Thames Water raise no objection in respect of sewerage infrastructure capacity or water infrastructure capacity but suggest informatives in the event of a planning permission

From a Highways point of view it is noted that Green Lane (A213) is a London Distributor Road. The site is located in an area with medium PTAL rate of 4 (on a scale of 1 - 6, where 6 is the most accessible). The site is accessed via a new

access road approximately 3.10m wide leading to two car parking spaces. In the event of a planning permission the applicant should be aware that there is a telephone pole and a tree which may require relocation, the cost of which would be funded by the applicant. The level of proposed parking and cycle spaces is satisfactory. Policy T11 indicates limited access will be permitted only where there is no alternative. In this case part of no.11 is being demolished and the 2 new properties will effectively use the existing access. Unless there are any particular road safety issues with the access the intensification of use from one vehicle to two would be unlikely to raise concern from a Highways point of view. The loss of parking provision for number 11 has not been addressed.

Network Rail raise no objection.

No specific concerns are raised from a Crime point of view although principles of Secured by Design are suggested in the event of a planning permission and the use of external lighting and perimeter fencing requirements are also suggested.

### **Planning Considerations**

The application falls to be determined in accordance with the National Planning Policy Framework (NPPF), the London Plan and the following policies of the Unitary Development Plan:

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T11 New Accesses
- T18 Road Safety

Supplementary Planning Guidance No 1 - General Design Principles  
Supplementary Planning Guidance No 2 - Residential Design Guidance

The above policies are considered to be consistent with the principles and objectives of the NPPF, a key consideration in the determination of the application. London Plan Policies include:

- 3.3 Increasing Housing Supply
- 3.4 Optimising Potential
- 3.5 Quality and Design of Housing Developments
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 7.3 Designing Out Crime
- 7.4 Local Character

### **Planning History**

The planning history of the site includes a number of extensions in relation to the dwelling house and a refusal, ref. 71/02234 for the demolition of the existing

dwelling and the erection of block of 4 flats, block of 2 garages, associated parking and new access road for the following reasons:

The proposal constitutes an over-intensive cramped form of backland development resulting in an unacceptably poor standard of open space and prospect for the occupiers of the proposed flats

The proposal does not comply with the Council's standard as regards the access facilities generally and the proposed parking provision

The more recent planning history sees a planning refusal for application ref. 13/01166 for the demolition of two storey side extension and creation of access road; erection of pair of two storey semi-detached two bedroom houses with associated parking and residential curtilage. The refusal grounds were as follows:

The proposed constitutes a cramped form of backland development out of character and poorly related to adjoining property and thereby contrary to Policies BE1, H7 and H9 of the Unitary Development Plan.

The proposed development, in view of its scale, height and siting would be harmful to the amenities of adjoining occupants by reason of visual impact, loss of prospect and light and contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposed dwellings would lack adequate amenity space for future occupants and would thereby be contrary to Policy H7 of the Unitary Development Plan.

## **Conclusions**

The main issues for consideration are the effect of the development on the character and appearance of the locality and the effect on the amenity of occupiers of neighbouring buildings and those of future occupants and whether this application has sufficiently addressed the previous grounds of refusal so as to merit a planning permission.

Whilst it is recognised that new development should seek to optimise the potential of a site Policies BE1 and H7 of Bromley's Unitary Development Plan (UDP) are concerned with the character and appearance of the area and require development to complement adjacent buildings, not detract from the street scene and expect that buildings and space about buildings are designed to a high quality. Paragraphs 56 and 57 of the National Planning Policy Framework (NPPF) place great importance on the design of the built environment including high quality design for individual buildings.

The supporting statement draws attention to the increased side space and amenity area and, overall how the revised scheme addresses previous planning concerns. The density of the proposed development is 50 units per hectare. The increase in sidespace is noted however Policy H7 notes that although in certain instances some backland development may be acceptable this should be small scale and

sensitive to the surrounding residential area, additional traffic should not cause an unacceptable level of disturbance to neighbouring properties and a high standard of separation should be provided.

Given the constraints of the site and the relationship to the neighbouring dwellings it is not considered that a high level of separation has been provided; just over the minimum has been provided to the north, north-east boundary and the limited area of rear gardens to dwellings in Provincial Terrace result in an unacceptable proximity of parking areas and traffic movements. It may be considered that the comings and goings associated with the creation of two dwellings and the associated parking, vehicle movements and lighting, with very limited buffer zone, will have a detrimental impact on existing residential amenity. The level of activity, noise and disturbance associated with new dwellings in this location in such close proximity to the surrounding boundaries is considered to be unacceptable and is indicative of the cramped nature of the proposal.

It is recognised that the proposed design, by utilising a hipped roof to one unit, has attempted to relieve the visual impact of the development however it is noted that the provision of a gable end to the other unit results in an asymmetrical appearance. Although the supporting statement talks about the design merits of the proposed development, the scheme still results in a bulk of development that due to its relationship with nearby dwellings is obtrusive and overbearing, and likely to result in overshadowing.

Numerous local objections are raised to the revised scheme, not least in respect of the cramped and obtrusive nature of the development, how out of character it will be and impacts from increased noise and activity.

Although no Highway concerns have been raised, in the light of local objections that have been received, any additional Highway comments in respect of road safety in this specific location will be reported verbally to Committee.

Initial Environmental Health (Housing) comments indicate that the quality of resultant living accommodation is likely to be compromised.

For information a revised Five Year Housing Supply Paper was agreed by DC Committee on 20th June 2013; the Paper concludes that the Borough is able to demonstrate a five year supply of land for housing at this point in time.

Members may consider that this proposal does not address and overcome previous grounds of refusal and continues to result in a cramped overdevelopment of the site out of keeping with the established character of the area. Additionally, the level of accommodation for future occupiers is compromised.

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 the file ref(s) set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed development constitutes an unsatisfactory form of backland development, out of character with the area, poorly related to neighbouring property and seriously detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy in the form of secluded rear garden areas, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 2 The proposed development by reason of the proposed access road running along the party boundary and the general disturbance which would arise from its use would be seriously detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 3 The proposed development, in view of its scale, height and siting would be harmful to the amenities of adjoining occupants by reason of visual impact, loss of prospect and light, and overshadowing, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 4 The proposal represents a cramped overdevelopment of the site by reason of its bulk, height, siting and the restrictive size of plot available, and would appear cramped, obtrusive and out of character with adjoining development and unsuited to this backland area thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 5 The proposed dwellings would lack adequate quality of space for future occupants and would thereby be contrary to Policy H7 of the Unitary Development Plan.

## **INFORMATIVE(S)**

- 1 RDI25 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)).

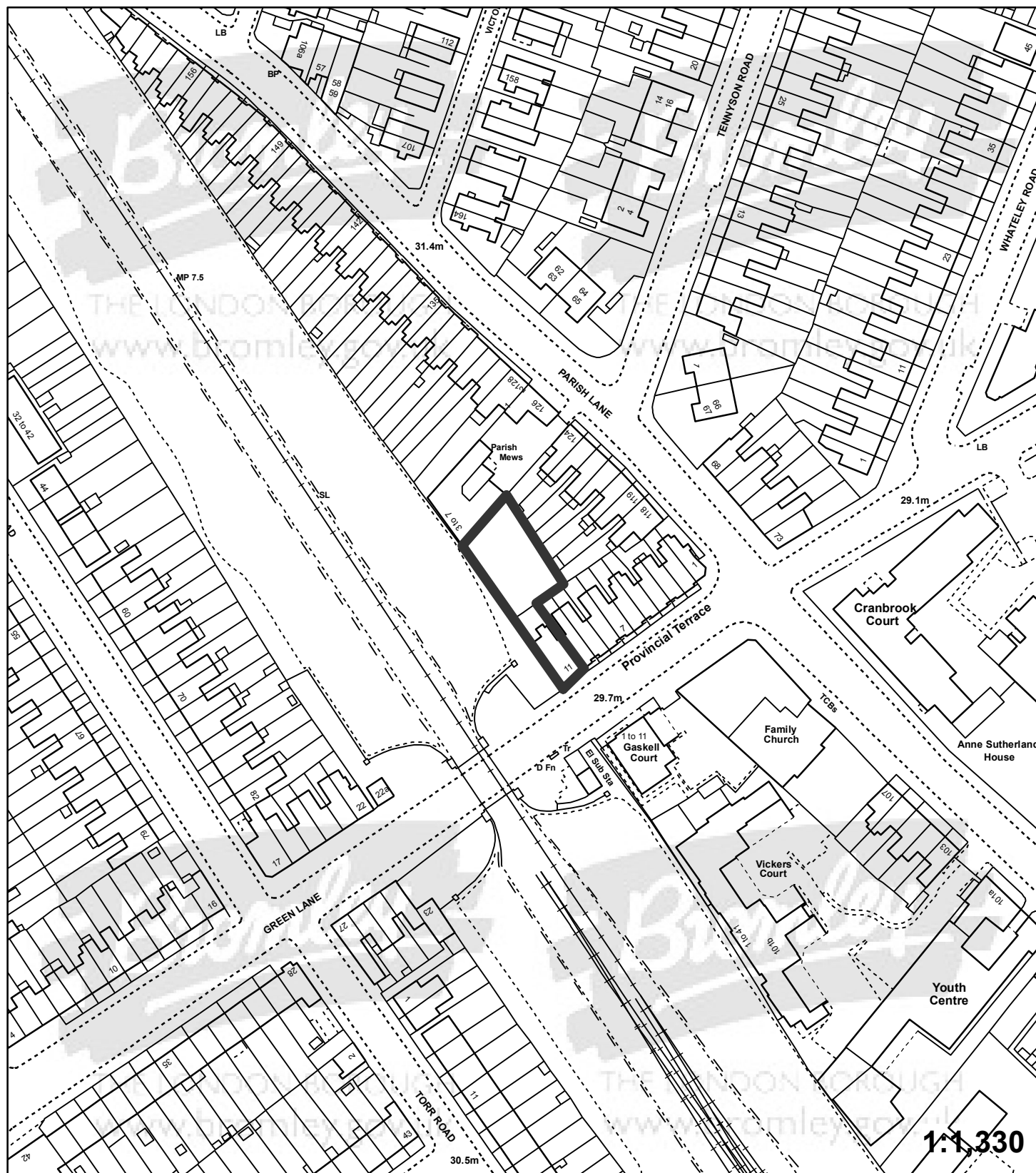
If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt.

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)

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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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