

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 14/00379/FULL1

**Ward:**  
**Bickley**

**Address :** 16 Bird In Hand Lane Bickley Bromley  
BR1 2NB

**OS Grid Ref:** E: 541909 N: 169075

**Applicant :** Mr & Mrs Dwyer

**Objections :** YES

**Description of Development:**

Two storey, five bedroom replacement dwelling with accommodation in roof space, basement and integral garage.

Key designations:

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

**Proposal**

- The proposed dwelling would be sited forward of the existing front building line, approximately level with that at No.18;
- the main roof would be pitched with a subservient front gable feature;
- at the rear the building would follow the existing building line towards the outside but would have a central single storey rear element projection back a further 2.85m (approx.);
- the first floor would be set in from the side (by approx.3.35m) and set back (by 2.25m) at the north-east corner of the building;
- a minimum 1.1m side space would be retained between the side of the building and the southern flank boundary of the site
- a minimum 1.6m side space would be retained between the proposed building and the northern flank boundary of the site;
- 3 off-street parking spaces are proposed (total including garage and driveway).

**Location**

The application site comprises of a single storey detached dwellinghouse to the eastern side of Bird in Hand Lane. The surrounding development is predominantly two storey detached dwellings.

## **Comments from Local Residents**

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

- o Proposal will enhance the road
- o in favour of development
- o will add to street scene
- o current bungalow an eyesore
- o amendment begins to address concerns
- o do not object in principle
- o concerned over impact on light amenity and loss of privacy at No.18
- o documentation submitted is inaccurate
- o in the absence of a light survey it is likely to result in significant loss of daylight and sunlight
- o boundary line incorrect and outdated
- o proposed dwelling may appear too large and bulky for plot
- o unneighbourly and visually imposing development.

## **Comments from Consultees**

The Council's Highways Development Engineers have raised no objections in principle.

The Council's Drainage officer has advised the use of soakaways is acceptable.

The Council's Environmental Health and Housing Team stated that the roof lights to the bedroom do not provide a reasonable view of the surroundings.

Thames Water has raised no objections.

## **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 and Design  
H9 Side Space  
NE7 Development and Trees  
T3 Parking  
T7 Cyclists  
T8 Other Road Users  
T18 Road Safety

SPG1  
SPG2

London Plan:

3.3 Increasing Housing Supply  
3.4 Optimising Housing Potential  
3.5 Quality and Design of Housing Developments  
3.8 Housing Choice  
5.3 Sustainable Design and Construction  
5.13 Sustainable Drainage  
6.9 Cycling  
6.13 Parking  
7.3 Designing out Crime  
7.4 Local Character  
7.6 Architecture  
Mayor of London's Housing Supplementary Planning Guidance

## **Planning History**

Planning permission was refused for a similar proposal under ref.13/03444. The reasons for refusal were as follows:

- 1 The proposed dwelling, by reason of its two storey rearward projection behind No.18 Bird In Hand Lane, would result in overshadowing and loss of prospect seriously detrimental to the amenities enjoyed by the residents of that property and contrary to Policy BE1 of the Unitary Development Plan.
- 2 The provision of a Juliette balcony would give rise to undesirable overlooking of the adjacent dwelling, contrary to Policy BE1 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 application proposes a revised scheme following the refusal of the previous application for a replacement dwelling at this site. In order to try and address the Council's concerns with the previous proposal the applicant has amended the scheme as follows:

- removal of Juliet balcony at rear
- setting back of first floor from ground floor and setting it in from ground floor side elevation side adjacent to the boundary with No.18.

The surrounding area is characterised by two storey development. The principle of a two storey dwelling in this location is therefore considered acceptable. The proposed dwelling retains a similar amount of side space to the flank boundaries of the site as the existing bungalow but it would project further forward in the plot. Like the existing bungalow it would be set considerably further forward than its neighbour to the south, 14A, but would be level with the front of No.18 (albeit angled away). The proposal would therefore respect the general building line of

properties to the north of the application site (No's 18 - 22) and, overall the impact on the street scene is considered acceptable.

At the rear the proposed single storey part of the dwelling would project 1.5m beyond the rear of No.18 (notwithstanding the single storey breakfast room) which is similar to the relationship with the existing bungalow. There would be a separation of around 2m between the side of No.18 and the single storey element closest to the party boundary. The first floor would be set away a further 3.3m (approx.). Concerns have been raised from the owners/occupiers of No.18 regarding overshadowing across its rear elevation and patio area as well as significant loss of daylight and sunlight, particularly to the orangery with its glass ceiling and side glass doors and dining room.

A daylight and sunlight impact assessment was carried out by the applicants and states that the proposed development:

- 1) satisfies the BRE (Building Research Establishment) daylight requirement
- 2) satisfies the BRE direct sunlight to windows requirement
- 3) passes the BRE overshadowing to gardens and open space test (Daylight and Sunlight report).

Given the reduction in width of the first floor, the proposal is therefore unlikely to result in a considerable reduction in daylight or sunlight at the adjoining property.

The owners/occupiers of No.18 have further raised concerns that the development would be visually imposing when viewed from their garden, particularly in view of its height and bulk. With regard to the impact on outlook from No.18, while this would be more significant than the present bungalow due to the two storeys proposed, given the reduction in width of the first floor, the impact is not considered to be unduly harmful. Concerns have also been raised with regard to overlooking from the upper floors of the development. However, there are no flank windows proposed which are likely to overlook the living areas of No.18 (one obscure glazed flank window is proposed to serve a bathroom) and the views which the first floor rear windows would give rise to are considered normal for a two storey development in a suburban area. In light of the fact that the first floor rear window closest to No.18 would serve an en-suite, an obscure glazing condition is considered appropriate should permission be granted.

Regarding the impact on 14A, the proposed dwelling would be positioned significantly further forward than this neighbouring property and would have an impact upon the outlook from the front of this property. However, there would be substantial separation between the proposed dwelling and No.14A. Furthermore, the property to the south, 14, sits a lot further back than No.14A so there would be no unduly harmful tunnelling effect. Therefore, on balance, the proposed development is not considered likely to result in an impact on 14A which would be seriously harmful to the living conditions of the occupiers or any future occupiers of that property.

From a Highways perspective the proposal is considered acceptable, subject to a condition requiring that details of parking spaces and/or garages and sufficient turning space be submitted.

With regard to protected trees at the site, subject to a condition requiring an arboricultural method statement being submitted and a landscaping condition, the proposal is considered acceptable.

Having had regard to the above it was considered that the siting, size and design of the proposal is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

Background papers referred to during production of this report comprise all correspondence on the file refs 14/00379 and 13/03444 set out in the Planning History section above, excluding exempt information.  
as amended by documents received on 24.03.2014 and 25.03.2014

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |         |   |
|---------|---|
| 1ACA01  | Commencement of development within 3 yrs  |
| ACA01R  | A01 Reason 3 years  |
| 2ACA04  | Landscaping Scheme - full app no details  |
| ACA04R  | Reason A04  |
| 3ACB18  | Trees-Arboricultural Method Statement   |
| ACB18R  | Reason B18  |
| 4ACC07  | Materials as set out in application   |
| ACC07R  | Reason C07  |
| 5ACD02  | Surface water drainage - no det. submitt  |
| AED02R  | Reason D02  |
| 6ACH02  | Satisfactory parking - no details submit  |
| ACH02R  | Reason H02  |
| 7ACH32  | Highway Drainage  |
| ADH32R  | Reason H32  |
| 8ACI02  | Rest of "pd" Rights - Class A, B,C and E<br>In order to comply with Policies BE1 and H7 of the Unitary Development Plan and in the interest of the residential amenities of the area            |
| 9ACI12  | Obscure glazing (1 insert) in the first floor flank elevations  |
| ACI12R  | I12 reason (1 insert) BE1   |
| 10ACK01 | Compliance with submitted plan<br>In order to comply with Policies BE1 and H7 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.          |
| 11      | A clearly labelled drainage layout plan showing pipe networks and any attenuation soakaways shall be submitted to an approved in writing by the local planning authority before any part of the |

development hereby permitted is commenced. Where infiltration forms part of the proposed storm water system such as soakaways, soakage tests 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 storm event plus climate change.

AED02R Reason D02

### INFORMATIVE(S)

- 1 You are advised that this application is considered to 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)). The Levy will appear as a Land Charge on the relevant land with immediate effect.  
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.
- 2 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.  
Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 Thames Water requests that the applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.
- 4 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement

is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at [www.thameswater.co.uk](http://www.thameswater.co.uk)

- 5 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, and testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing [wwriskmanagement@thameswater.co.uk](mailto:wwriskmanagement@thameswater.co.uk). Applications forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality). Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water industry Act 1991.