

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 13/04199/FULL1

**Ward:**  
**Biggin Hill**

**Address :** 39 Church Road Biggin Hill TN16 3LD

**OS Grid Ref:** E: 542214 N: 158996

**Applicant :** Mr & Mrs G Spiteri

**Objections :** YES

### **Description of Development:**

Erection of detached two bedroom single storey dwelling with associated landscaping and parking on land rear of 39 Church Road

Key designations:

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

### **Proposal**

#### **Update**

The application was reported to Members at plans sub-committee on 20th March 2014 and Members resolved to grant planning permission. However, prior to the issuing of the decision, it became apparent that a number of adjoining owners had not been notified of the application. They have now been notified and any further comments received will be reported verbally.

The previous report is repeated below:

### **Proposal**

- Two bedroom single storey dwelling
- 2 car parking spaces
- The dwelling would be served by a new access driveway associated with the development approved at the adjacent site (under ref.11/03688)

### **Location:**

- The site forms part of the rear garden of 39 Church Road
- the proposed dwelling would form part of a row of 4 bungalows currently under construction which were granted at Appeal in 2008 and again in 2011
- the surrounding area is predominantly characterised by bungalows, although number's 39, 41, 43 and 43a Church Road are two storey.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received from No.58 Old Tye Avenue which can be summarised as follows:

- o Dwellings being erected are clearly visible from garden
- o Proposed dwelling will be even closer
- o Part of garden adjacent to dwelling has a swimming pool - will affect privacy
- o Possibility of it being extended to a two storey building later.

## **Comments from Consultees**

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

The Council's Waste Services Department were consulted re: turning area for large vehicles; their comments will be reported verbally at the meeting.

The Council's Drainage Officer has raised no objections but surface water will have to be drained to soakaways.

The Council's Environmental Health Officer has raised no objections to the proposal.

Thames Water have advised:-

- 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.
- with regard to sewerage infrastructure capacity, they do not have any objection to the above planning application.
- with regard to water infrastructure capacity, they do not have any objection to the above planning application.

## **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  
H8 Residential Extensions  
H9 Side Space  
NE7 Development and Trees  
T3 Parking  
T7 Cyclists  
T18 Road Safety

SPG1 General Design Principles  
SPG2 Residential Design Guidance

London Plan:

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

The NPPF 2012

### **Planning History**

Planning permission was granted in 2008 (DC/07/02857) under Appeal for an infill development of four detached bungalows at the rear of No's 31 - 37 Church Road. The permission expired before development commenced.

In 2011 an identical application was refused by the Council and allowed at Appeal in 2012 under ref. DC/11/03688. This development is now under construction. The planning history at the adjacent site is a material consideration.

Outline permission was refused in 2004 for the demolition of existing dwelling and erection of 6 semi-detached (two storey) 4 bedroom houses and 1 three bedroom detached house with associated parking and access at No.37 and on land to the rear of 39-43 Church Road under ref.04/02731. The reasons for refusal were due to an unsatisfactory sub-division of existing gardens, unsatisfactory form of backland development, out of character and scale with the surrounding area, detrimental to residential amenities. Furthermore, the proposed access in close proximity to No's 37 and 39 would be detrimental to the amenities of those properties due to increased noise and disturbance.

### **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 site of the proposed dwelling is visually screened from the Church Road frontage by existing dwellings and sufficient space would be provided between the houses fronting Church Road and the proposed dwelling. According to Policy H7 of the UDP, while backland development will generally be resisted, it may be acceptable provided it is small scale, sensitive to the surrounding residential area, there is adequate access, traffic should not cause unacceptable disturbance to neighbouring properties and a high standard of separation is required. In the 2012

Appeal at the adjacent site, the inspector considered that the development of 4 bungalows met all of the above criteria for an acceptable form of backland development. A lower form of residential density than outlined in table 4.2 of the UDP will also usually be required. In this instance, the total residential density, inclusive of the 4 approved bungalows, will amount to 20.83 units/hectare, which is below both the UDP and London Plan guidelines for this type of area. The proposal is therefore considered acceptable in terms of residential density.

With regards to site layout a minimum side space of 1m is indicated between either side of the building and the flank boundaries of the site. While slightly more generous side space has been allowed at the adjacent bungalows, given that the dwelling will be bordered to the east by the garden of No.41 Church Road, the building would not appear cramped and there would be adequate separation to neighbouring buildings. A maximum garden depth of around 10m is proposed which is usually considered acceptable.

In terms of design, the dwelling would incorporate a hipped roof which would minimise its visual impact from the surrounding properties and would result in minimal visual impact to the Church Road street scene.

The garden at 39 Church Road, which is to be sub-divided, is of a generous length and sufficient space would be provided between the houses fronting Church Road and the proposed bungalow so as to cause minimal harm to neighbouring occupiers amenities. Concerns have been raised from the owners/occupiers of 58 Old Tye Avenue regarding loss of privacy to their garden and swimming pool area. However, given that the proposal is single storey and taking into account the relationship of No.58 with the proposed dwelling, any unduly harmful overlooking is considered unlikely. Any future proposal to make the building two storeys would be considered on its merits.

From a Highways perspective, the parking arrangements are satisfactory. Any future resident of the dwelling would require access rights over the private access road serving the approved bungalows.

Having had regard to the above it was considered that the proposed dwelling 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 11/03688 and 13/04199 set out in the Planning History section above, excluding exempt information.

## **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  
 3ACA07 Boundary enclosure - no detail submitted  
 ACA07R Reason A07  
 4ACC07 Materials as set out in application  
 ACC07R Reason C07  
 5ACD02 Surface water drainage - no det. submitt  
 ADD02R Reason D02  
 6ACH03 Satisfactory parking - full application  
 ACH03R Reason H03  
 7ACH22 Bicycle Parking  
 ACH22R Reason H22  
 8ACI02 Rest of "pd" Rights - Class A, B,C and E  
 Reason: In order to comply with Policies BE1 and H7 of the Unitary Development Plan and to prevent overdevelopment of the site.  
 9ACK01 Compliance with submitted plan  
 Reason: In order to comply with Policies BE1, H7 and H9 of the Unitary Development Plan and in the interest of the appearance of the building and the visual and residential amenities of the area.  
 10ACK05 Slab levels - no details submitted  
 ACK05R K05 reason

INFORMATIVE(S)

- 1 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 2 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.
  - Calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.
- 3 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.

- 4 You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)