

SECTION '2' – Applications meriting special consideration

**Application No :** 13/04198/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** 49 Park Avenue Bromley BR1 4EG

**OS Grid Ref:** E: 540131 N: 170593

**Applicant :** Mr D J Francis

**Objections :** YES

**Description of Development:**

Demolition of existing dwelling and erection of a part two/three storey building comprising 3 one bedroom and 6 two bedroom flats with associated parking.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Green Chain Walk  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

**Proposal**

This application proposes the demolition of a single dwelling house and the erection of a three storey block of nine flats, comprising 3 one bedroom and 6 two bedroom flats with associated parking to the front of the site.

The proposed block would allow 2m side space from the eastern boundary and c 2.166m to the western boundary. It proposes a staggered front and rear building line.

A total of 9 parking spaces are proposed to the front of the site, along with a landscape strip to the front boundary. A covered refuse store is proposed to the west boundary and covered cycle parking within the rear garden. The amenity area to the rear appears as a communal facility.

Six windows are shown to the east elevation facing No.51a; these are shown to serve en-suite facilities. Bay windows are proposed as part of the fenestration to the front elevation. Six windows are shown to the west elevation facing No.47; one to each floor will serve en-suite facilities and one to each floor will serve the kitchen area; obscure glazing is proposed to the lower half of the second floor flank kitchen area window. Juliet balconies are shown to the rear elevation.

The design of the block offers staggered building lines and a slight stagger to the ridge line; bay window features are included to the front elevation.

## **Location**

The site is a detached, two storey single family dwelling house located on the north side of Park Avenue, within a predominantly residential area. There is a nursing home immediately adjacent to the west and flat conversions to the east. Directly opposite the site, to the south, is residential and to the north of the site lay the rear gardens of properties in Quernmore Road and Quernmore Close.

## **Comments from Local Residents**

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

- regrettable loss of existing house
- extra cars will have negative impact on highway safety; fast traffic
- parking - Commuter parking; pressure on parking space; Insufficient parking on site; no disabled parking; particular hazard given proximity to Quernmore Road & extra parking
- out of character/impact on local amenity
- over-densification
- existing flats are from conversions and therefore the character of the Edwardian properties is retained
- out of scale
- bulk of development; dwarf adjacent property
- restrict natural light to side access/overshadowing
- additional noise and air pollution
- larger footprint
- overlooking/loss of privacy
- precedent; this would also lead to reduction in diversity of plants and local wildlife if more flats were introduced in to the area
- planning history
- houses to rear are at a lower level and this was considered an important issue in previous planning appeals
- has there been a change in planning policy?
- devalue property
- additional cars when school access opens
- Deed of Mutual Covenant - only 1 house per 35ft of frontage
- where is the provision for waste/bike store?
- proximity of bin stores to adjoining property, located with potential for full sun , will be negative environmental and health risk
- issues with refuse proposal
- lack of security for properties to rear
- impact on residents of adjacent nursing home whilst any works are undertaken
- noise and disturbance from flats on elderly residents in nursing home

A letter of objection has also been received from the Bromley Park Avenue and Quernmore Road Residents Association

### **Comments from Consultees**

No significant trees are affected by the proposal and therefore no objections are raised in this respect.

Thames Water raise no objection with regard to sewerage or water infrastructure capacity ; informatives are suggested in the event of a planning permission.

No objections are raised in respect of safer neighbourhoods; conditions are suggested in the event of a planning permission

Environmental Health (Housing) offer comment on fire systems and ventilation to en-suite bathrooms but raise no objection.

The site is located in an area with a low PTAL rate of 2. Additional information was submitted in respect of the parking provision on site which has addressed concerns from a Highways point of view. The bicycle storage facility is considered acceptable.

### **Planning Considerations**

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

BE1 Design of New Development  
H7 Housing Density and Design  
H9 Side Space  
T3 Transport and Road Safety  
T18 Transport and Road Safety

Supplementary Planning Guidance 1  
Supplementary Planning Guidance 2

### **Planning History**

The planning history of the site includes proposals under application refs. 05/03784 and 06/00980 to demolish the house in order to extend the adjacent nursing home. These applications were refused by the Council and dismissed at appeal, regarding issues such as overdevelopment and intensification of use by the Nursing Home.

More recent history includes permission for a two storey side extension, ref. 11/03069.

### **Conclusions**

The main issues relating to the application are the effect of the proposal on the character and appearance of the area, the effect of the proposal on the living conditions of neighbouring occupiers in relation to privacy, outlook, light, noise and disturbance and highway considerations.

Park Avenue is a wide, straight road with mature street trees and mostly single dwelling houses with attractive landscaped front garden areas. The site is situated between a nursing home and flat conversions but although these are no longer individual dwelling houses due to their converted nature do, to a degree, retain the appearance of individual dwellings.

No. 49 is a house of pleasant appearance but does not necessarily have any particular architectural merit. The scheme to redevelop the site with a block of flats proposes a staggered building line to address those of its respective neighbours. The height of the building would be between that of Nos. 47 and 51, noting that 51a is at much lower level, being a previous conversion.

The supporting statement purports that No. 47 is a substantial building, dominant within the street scene but on a smaller site than the application site. In support of the proposal it states that the replacement of No. 49 with a larger building will not be out of character within the road nor compromise the amenities of surrounding buildings.

Many of the local objections received raise concern in respect of the precedent that would be set if the principle of flats were allowed in this location. This does require careful consideration in respect of how the proposal will impact on the character of the area. 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. As already noted Park Avenue offers an attractive, pleasant environment with mostly detached dwellings with landscaped front gardens and mature street trees. This particular arrangement with the nursing home to the west and the flat conversions to the east does not appear to be replicated elsewhere in the road and it is this setting which presents a particular circumstance to be taken into account with respect to this specific proposal.

Whilst the proposed building is of greater bulk than that existing the design approach in terms of its staggered building line, step in ridge height, use of gables and features such as the bay windows and fenestration detail is considered to result in a proposed development which would not appear unduly bulky within the street scene; minimum side spaces of 2m are allowed to each boundary.

Local objections are concerned with the difference in levels in the vicinity resulting in the properties to the rear being at a lower level than the application site. Appeal decisions (see above) for development across the site to extend the existing nursing home saw the Inspector opine that the proposed extensions would result in

a structure that would appear incongruous with its surroundings and because of its size and elevated position would dominate the nearby dwellings. The current scheme does propose a large building; the use of staggered building lines, roof heights and side space to each boundary may help to address issues of domination and this requires careful consideration. The current scheme differs from the appeal scheme, not only in respect of use, but that it is a separate, stand-alone development rather than an extended development across two sites.

In terms of density, the supporting statement advises that the site has an area of 0.11 hectares, number of habitable rooms proposed at 24 with the resulting density of development at 218hr/ha. The London Plan indicates a guide of 150-250hr/ha for a PTAL rating 2 location. In terms of density it is noted that some of the room sizes are large and pose the potential for division.

The extent of parking area to the front does result in a large expanse of hard landscaping and will introduce a feature of multiple parking provision which is not characteristic of the vicinity. Attention to a landscape setting is therefore considered essential given the context of the street scene. Highways concerns were raised as the provision appeared tight on the site; additional information has been submitted (including swept path analysis) in relation to Highway concerns and it seems now that Highways are satisfied with the parking provision shown. Landscaping provision has been revised in order to accommodate the revisions to the parking layout; it has been minimised to the front and widened along the side boundary with No. 47. There is no landscape strip to the boundary with 51a. The extent of built development and associated hard landscaping leaves little room for an attractive landscape setting.

In terms of the impact of the development on neighbouring amenities neighbour concerns are raised in respect of overlooking, overshadowing and the impacts from the scale, bulk and height of the proposal.

Flank windows to the adjacent sites are noted; the impact from the proposed flank windows is unlikely to be significant enough to warrant a planning ground of refusal given their location and purpose and that the use of obscure glazing and opening details can be subject to planning condition.

The configuration of single storey extensions to the rear of the adjacent nursing home results in a particularly sensitive relationship to the proposed development but this is considered to be addressed by the use of staggered rear building line and greater separation to this element.

It is the case that the Juliet balconies to the rear elevation combined with the rear elevation set deeper into the site does increase the potential of overlooking of adjacent garden areas. It is accepted that there is a degree of overlooking that will exist in suburban areas such as this and it is for consideration as to whether the increased extent of overlooking is acceptable. Given the distances involved, the suburban setting and the oblique nature of the potential overlooking it may not be considered to be sufficiently detrimental to raise a planning ground of refusal in this respect.

Planning Policy BE1 requires that development should be imaginative and attractive to look at and should complement the scale, form, layout and materials of adjacent buildings. Government guidance, and that contained within the London Plan, require Councils to maximise the best use of urban land where appropriate when considering new residential developments. Guidance also advises that development should be sought that allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area. It also states that development should have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. In view of this and the matters discussed above it may be considered that on balance the principle of flatted accommodation in this particular instance may not be considered unacceptable.

If the principle of flats is considered acceptable in this location careful consideration must be given to the built form of the proposal. It is a large development which although, on balance, is considered to respect neighbouring amenities there is a requirement for it to relate well to the existing street scene. Whilst the parking issues have been addressed it is considered that there is insufficient space to create an attractive setting for the development, which is an over-riding characteristic of the street scene.

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.

as amended by documents received on 21.02.2014 02.04.2014

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The extent of proposed development would leave a deficiency in the provided amenity area resulting in an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces and would be out of character with the area contrary to Policies H7 and BE1 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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