

SECTION '2' – Applications meriting special consideration

**Application No :** 14/01397/FULL1

**Ward:**  
**Hayes And Coney Hall**

**Address :** 11 Alexander Close Hayes Bromley BR2  
7LW

**OS Grid Ref:** E: 540462 N: 166301

**Applicant :** Mrs T Mardle

**Objections :** YES

**Description of Development:**

Conversion of existing dwelling to one 3 bedroom and one 2 bedroom dwelling

Key designations:

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

**Proposal**

Permission is sought for the conversion of the previously permitted two storey side extension to the eastern flank elevation of 11 Alexander Close to form a three bedroom end-of-terrace dwelling with the original dwelling becoming a mid-terrace two bedroom property.

The resultant dwelling would feature three bedrooms and a bathroom to the first floor and a living room, kitchen/diner and hall to the ground floor and an entrance door located to the eastern flank elevation. Two parking spaces are proposed to the front of the curtilage. The original property at No.11 would also with two parking spaces to the front.

**Location**

The application site is located to the northern edge of Alexander Close and comprises the last dwelling at the east of the cul-de-sac. The property is a two storey semi-detached property that has benefitted from a large two storey side extension

**Comments from Local Residents**

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

- out of character with the area
- an overdevelopment of the site
- a precedent would be set for the conversion of other properties
- the two new properties would be very small in comparison to other extended dwellings in the road
- future extensions to enlarge the two dwellings making overdevelopment worse
- the widening of the crossover is unacceptable
- it is questionable whether two cars could be parked as shown and access to the front door would be blocked
- loss of an on-street parking space
- difficulty turning around at the end of the street
- the revised parking layout still results in four cars on the front garden
- there is already a parking issue in the Close and this will be made worse
- the side access will be a security risk with access able to be gained to the rear of the site to the service road at Hayes Street
- the two resulting gardens will be two small and out of character
- no refuse storage provided
- there is a restrictive covenant on the site limiting the land to one dwelling

The Hayes Village Association have objected on the basis that the terrace would be out of character with the area.

### **Comments from Consultees**

Highways have raised no objection to the proposal on the basis that two parking spaces of adequate dimensions would be provided to each dwelling (the existing and proposed).

### **Planning Considerations**

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

BE1 Design of New Development  
 H1 Housing Supply  
 H7 Housing Density and Design  
 H11 Residential Conversions  
 T3 Parking  
 T18 Road Safety

Supplementary Planning Guidance 1 and 2

London Plan Policy 3.4 Optimising Housing Potential  
 London Plan Policy 3.5 Quality and Design of Housing Developments  
 The Mayor's Supplementary Planning Guidance: Housing

The National Planning Policy Framework, with which the above policies are considered to be in accordance.

## **Planning History**

The two storey side extension that is the proposed additional dwelling was permitted under application ref. 92/01449 and featured two garages at ground floor level. Conditions were attached that precluded the conversion of the garages under permitted development and in particular condition 2, which states:

"The additional accommodation shall be used only by members of the household occupying the dwelling 11 Alexander Close Hayes and shall not be severed to form a separate self-contained unit.

Reason: To ensure that this unit is not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings."

Application ref. 13/04292, also for the conversion of the dwelling into two terraced dwellings, was refused by Members at Committee on 20th March 2014 on the grounds that:

"The proposed development would result in an unsatisfactory change to the character and appearance of the dwellings and the street, by reason of the terracing effect caused by the elevational changes necessary to create an additional dwelling, excessive hardstanding and car parking, and consequential lack of soft landscaping, therefore contrary to Policy BE1 of the Unitary Development Plan."

This decision has been appealed by the applicants and a decision by the Inspector is currently pending.

A certificate of lawfulness for an existing use, ref. 14/01130, for the use of The Annexe, 11 Alexander Close as a separate residential unit, is pending determination at the time of writing. Members will be updated verbally as to the progress of this application.

## **Conclusions**

The main consideration falls to be the provision of an additional dwelling in this location and the impact of an end-of-terraced dwelling to Alexander Close, the impact upon parking provision and the character of the area. The refusal ground of application ref. 13/04292 is a material consideration in the determination of the application and should be accorded due weight.

The built form of the proposed dwelling is already in place and has been considered acceptable in terms of its visual impact, its design and the impact upon the character of the area. The principle consideration is therefore the use of this development as a separate dwellinghouse.

The 1992 permission contained two relevant conditions regarding non-severance and non-conversion of the permitted garages and Members should be aware that such conditions do not in themselves preclude the restricted development, but

require planning permission for them. Although works have been undertaken, the current proposal is effectively seeking permission for that restricted development. Member's will also note the submission of a certificate of lawfulness for the existing annex unit as a self-contained unit.

The main condition, namely that relating to non-severance, gives as its reason the prevention of the creation of an "unsatisfactory sub-division into two dwellings". The development this condition was attached to featured a ground floor that was predominantly given over to garage parking and any sub-division would therefore have resulted in a mainly first floor level of accommodation that would have been unacceptable. However, the current proposal converts the whole of the ground floor to living accommodation and the overall floor area and room sizes are considered acceptable and commensurate to that of the original dwelling at No.11. The resultant accommodation at No.11 would be that same as that of the original dwelling, albeit the rooms area annotated as being two bedrooms and a the box room as a study.

Whilst the cul-de-sac does not feature terraced dwellings, the proposed dwelling occupies a large two storey extension that is already present and is already in residential use. The size of the proposed dwelling would be of a similar scale to other dwelling, in particular No.11 and as such is not considered to result in a house that would be disproportionate to others nearby.

In an effort to overcome the previous refusal ground and the issues of appearance, the front door has been moved to the side elevation. the front elevation of the two dwellings would therefore be identical to that as existing and it is not considered that there would be any readily apparent impact to the character of the area given the existing of the built form and the nature of the existing use.

The proposed dwelling would occupy the previously permitted 1992 two storey side extension to No.11 with two parking spaces to the front of the curtilage, which would be as the existing arrangement for the dwelling in its present form. Two additional parking spaces would be created to the front of No.11 to result in two spaces per dwelling. The parking provision is considered acceptable in terms of quantity and design and no highways objections are raised.

The refusal ground references excessive hardstanding and car parking and a loss of soft landscaping and the revised application introduces soft landscaping between the two parking areas and to the eastern front boundary with two of the four parking spaces (one per property) being grasscrete to further soften the appearance of this provision. Consideration must be given to the possibility of the existing lawn being replaced by hardstanding without the need for planning permission, as well as the level of hardstanding provided to neighbouring properties and it is noted that both Nos.10 and 12 (opposite) have fully paved frontages with no lawn or soft landscaping present. As such it is considered that the revision made overcome this element of the ground of refusal and that the character of the area would not be harmed.

Objections have been raised regarding any future application for the conversion of other side extensions within Alexander Close and these would need to be

assessed upon their own merits and the current proposal would not itself set a precedent for permission to be granted; it is also noted that other side extension in Alexander Close are not as substantial as that to No.11. Similarly any future extension of the two properties would need to be assessed on its own merits although the scope of further enlargement is considered to be limited. The issue of covenants relating to the site is a private legal matter that does not form a planning consideration.

The proposed side door is not considered to warrant a crime risk and although an access gate is present to the alley serving the rear of the properties to Hayes Street, it must be noted that this access is already in place. The resultant gardens to the two properties would be slightly smaller than others in the road, however there is no uniformity of size regarding the gardens serving the properties in Alexander Close and the rear garden to No.11 would be in the region of 90sqm which is considered sufficient for a property of this size and would not amount to harm being caused to the character of the area.

Background papers referred to during production of this report comprise all correspondence on the files refs. 14/01397 and 13/04292, set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- |   |        |  |
|---|--------|--|
| 1 | ACA01  | Commencement of development within 3 yrs |
|   | ACA01R | A01 Reason 3 years                       |
| 2 | ACA04  | Landscaping Scheme - full app no details |
|   | ACA04R | Reason A04                               |
| 3 | ACA07  | Boundary enclosure - no detail submitted |
|   | ACA07R | Reason A07                               |
| 4 | ACC04  | Matching materials                       |
|   | ACC04R | Reason C04                               |
| 5 | ACH03  | Satisfactory parking - full application  |
|   | ACH03R | Reason H03                               |
| 6 | ACH18  | Refuse storage - no details submitted    |
|   | ACH18R | Reason H18                               |
| 7 | ACH32  | Highway Drainage                         |
|   | ADH32R | Reason H32                               |
| 8 | ACK01  | Compliance with submitted plan           |
|   | ACK05R | K05 reason                               |

## **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.

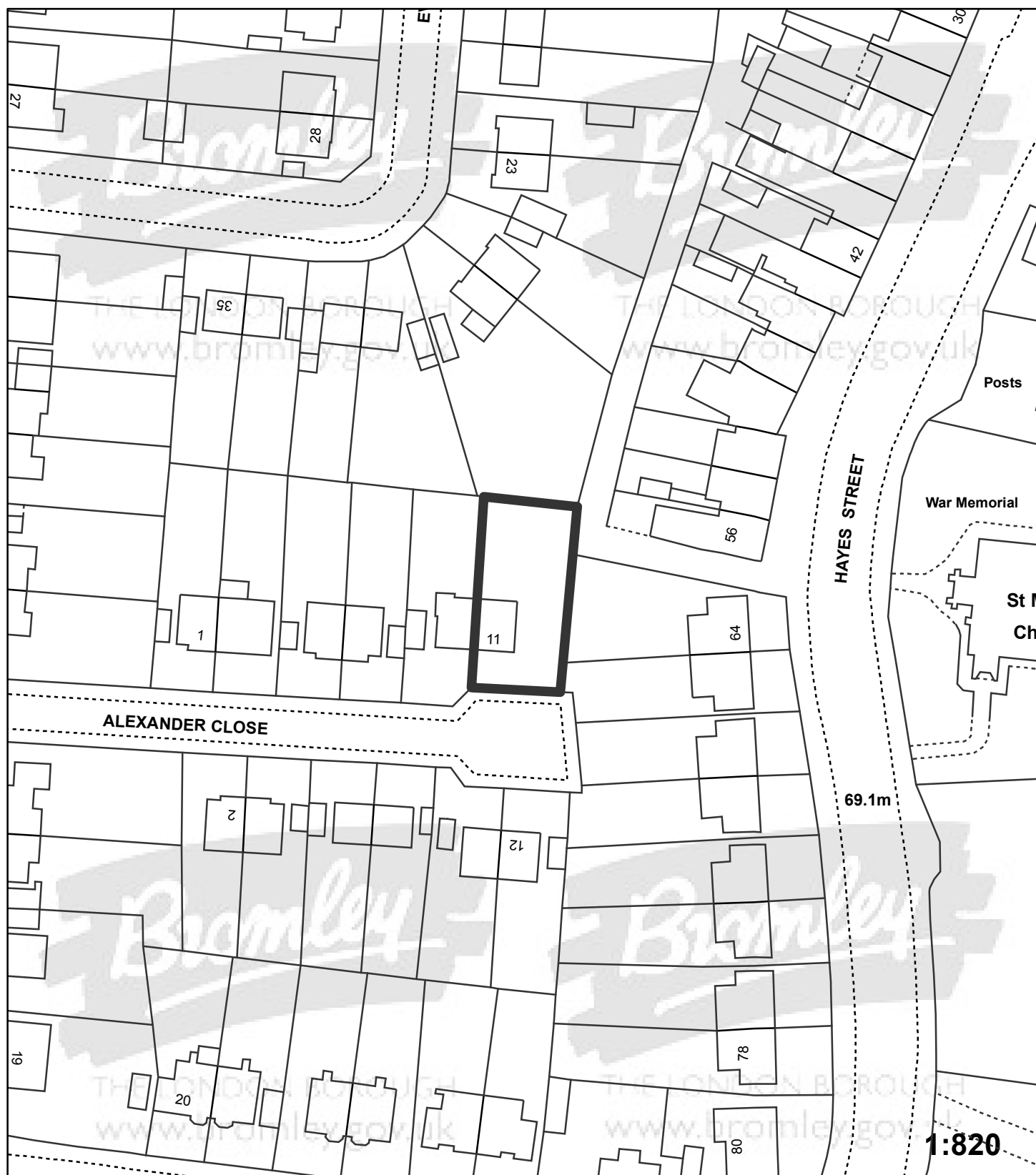
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

- 2 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 3 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)
- 4 You are advised that it is an offence under Section 137 of the Highways Act 1980 to obstruct "the free passage along the highway" (which includes the footway i.e. the pavement). This means that vehicles parked on the forecourt should not overhang the footway and therefore you should ensure that any vehicle is parked wholly within the site.
- 5 You should seek the advice of the Building Control Section at the Civic Centre regarding the need for Building Regulations approval for the works on 020 8313 4313, or e-mail: [buildingcontrol@bromley.gov.uk](mailto:buildingcontrol@bromley.gov.uk)

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**Proposal:** Conversion of existing dwelling to one 3 bedroom and one 2 bedroom dwelling



"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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