

SECTION '2' – Applications meriting special consideration

**Application No :** 14/01145/FULL1

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

**Address :** Land Adjacent To 27 Edward Road  
Bromley

**OS Grid Ref:** E: 541075 N: 170533

**Applicant :** Mr Jayant Kapadia

**Objections :** YES

**Description of Development:**

Detached two storey six bedroom house with accommodation in roofspace, integral garage and associated vehicular access and car parking

Key designations:

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

**Proposal**

The proposal is for a detached two storey six bedroom house (with accommodation in the roof space) on a vacant plot that was created from the sub-division of the garden of No.27 Edward Road.

The current application is for a house with a similar footprint to a scheme previously permitted under ref.13/00655.

The current proposal omits the single storey addition adjacent to the boundary with No.31 Edward Road that was part of (refused) application ref.13/03135, and the roof line has been revised to more closely reflect the original approved catslide roof. The gable that was added as part of application ref.13/03135 (previously refused at Committee on 9 January 2014) has been omitted and instead the roof has been hipped back, which more closely replicates that granted planning permission under ref.13/0655.

When compared to the approved scheme (ref. 13/0655) the width of the roof at ridge height has been increased from approx. 5.5m to 6.46m (an increase of 0.96m) and the associated increase in the height of the flank wall as indicated on the drawings is 0.235m. The changes will increase the bulk of the roof of the building adjacent to No.31.

The proposal also includes some other minor modifications to the footprint of the building that will result in the squaring off of the footprint that formed part of the previously approved scheme.

The overall width of the building when scaled from the drawings including the chimney and decorative brick plinths is 15.5m, compared to 15m in the approved scheme (ref. 13/03135). This allows for a minimum 1.05m side space to the flank elevation of the proposed building adjacent to No.31.

Multi-red clay plain tiles are proposed for the roof with render and clay plain tile hanging to walls

A bin area in the front garden of the property is indicated on the drawings but details of an enclosure have not been provided.

The applicant has submitted a 'Right to Light' document.

### **Location**

The site comprises a building plot between Nos. 27 and 31 Edward Road which was formerly part of the garden area to No.27. No. 27 Edward Road was previously redeveloped by the applicants and the plot divided to form the application site. The site has a slight cross fall in a south-west, north-east direction. The site has been cleared and a detached garage which formerly stood on the site, adjacent to No. 27, has been demolished. The road is predominantly characterised by single dwellinghouses of varying designs and scales. Some properties in the road have been converted into flats or residential care homes. The site is not within a Conservation Area, or Area of Special Residential Character.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and comments were received from No. 31 Edward Road.

The letter from the occupiers of No. 31 can be summarised as follows:

- objection to potential to convert loft space to further storey and inclusion of balcony;
- number of additional windows;
- proposal will bring roof space 96cm closer to No.31;
- impact on light to bedroom, lounge, and sun room;
- inability of neighbour to afford to commission own right to light survey, therefore had to rely on findings of applicant's report;
- height of roof, which is approx. 1m higher on main ridge;
- proposed dwelling will extend much further to the rear of No.31;
- loss of privacy in rear garden;
- proposed dwelling is too large for the site;
- proposed dwelling is too large to be family residence;

- realise that a house will be built on the site, but it should be of a reasonable size that will leave some privacy, light and sunshine to No.31

### **Comments from Consultees**

Highways - No objection

Environmental Health - No objection

Thames water - No objection

Drainage - No objection

Street Cleansing - No objection

### **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan, The London Plan and National Planning Policy Guidance

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

Supplementary Planning Guidance 1 and 2

National Planning Policy Framework 2012

### **Planning History**

Under planning ref. 06/00369, Outline planning permission was refused for the erection of 1 two storey detached dwelling with integral garage adjoining No.27 Edward Road on grounds relating to the cramped overdevelopment of the site which would be out of character with the locality contrary to Policies H2, E1 of the UDP (1994) and Policies H6 and BE1 of the adopted UDP.

Under planning ref. 06/02943, planning permission was granted for a detached two storey 5 bedroom house with basement, integral garage and accommodation in the roof space with associated access and parking. An extension of the time limit to implement this permission was subsequently granted under ref. 11/03034.

A further application (ref.13/00655) for a detached two storey seven bedroom house was granted planning permission in June 2013. This application included alterations to the design, siting and footprint of the dwelling, and included an increase in the height of the dwelling and a reduction in the level of side space to the flank boundaries.

Planning permission (ref.13/03135) was refused. This application was for a similar proposal to ref. 13/0655, apart from the fact that the proposal included an additional single storey rear extension, replaced the cat slide roof with a full height flank wall and added an additional rear gable feature. Other minor alterations were also included to square off the footprint. The application was refused on the grounds that the proposal represented the overdevelopment of the site, the unacceptable impact of the alterations to the roofline (when compared to planning permission ref. 31/03655) and the rearward projection of the single storey addition on No.31.

A further application, ref. 14/00042, for a similar proposal was refused. This application included a flank wall adjacent to No. 31 (rather than the previously approved catslide roof), it deleted the single storey rear addition adjacent to No.31 and hipped back the gable end that was added as part of (refused) application ref. 13/03135.

## **Conclusions**

The principle of a two storey dwelling of a similar footprint has already been established through the grant of permission ref. 13/00655 and previous applications.

In this case, the main issues are whether the current proposal would result in a cramped overdevelopment of the site, out of character and appearance in the street scene/wider area and whether the amenities of the adjoining owners would be adversely affected.

As the principle of the development of a dwelling with a similar footprint has already been established, the assessment of the issues in this case will focus on the latest revisions to the scheme; the alterations to the roofline and the minor changes required to allow the squaring off of the footprint of the building.

Policies H7 and BE1 of the UDP require the scale and form of new residential development to be in keeping with the surrounding area and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

The application site was originally part of the garden of No.27 Edward Road (a site that was previously redeveloped by the applicant and sub divided to form the application site). As a result of the characteristics of the site and the relationship between No.31 and the adjoining site, No.31 Edward Road is unusual in so far as it was built with a number of large windows on its flank elevation facing the application site, that are clear glazed. The impact of the previously approved schemes (refs. 06/02943, 06/02943, 13/00655) on these windows was assessed as part of the consideration of these applications and deemed to fall within acceptable levels. All of the approved schemes incorporated a cat-slide roof adjacent to No. 31. The impact of the current proposal on No. 31 and the other adjoining properties falls to be assessed as part of this application.

The construction of a dwelling on the land adjacent to No. 27 will impact on the amenities of No. 31 in terms of loss of outlook and loss of light. This assessment

will need to determine whether the impact of the current scheme falls within acceptable levels.

In respect of the issue of the loss of light to these windows, the applicant has submitted a report from David Parratt Associates on 'Rights of Light'. The overall conclusion of this report is that:

"whilst the erection of the proposed house on the adjoining plot will cause some minimal diminution of the daylight entering No.31, Edward Road, that will never cause the residual daylight to fall below the level which the law regards as the standard to which the owners are entitled by right."

The previous permissions for the development of a dwelling on this site including refs. 06/029463, 08/03539, 11/03034 and 13/00655 all include a catslide roof adjacent to No.31 Edward Road. The inclusion of a catslide roof reduces the bulk of the roof adjacent to No.31 and therefore also the impact of the proposed development on the amenities of No.31 in terms of outlook and loss of light.

The alterations to the roof, including the increase in the width of the roof at ridge height by 0.96m and the increase in the height of the flank wall adjacent to No.31 by 0.235 will increase the impact on No.31 in terms of visual amenities and loss of light as it will bring built development closer to No.31. However, the applicant has submitted a report indicating that the residual daylight to No.31 will not fall below the standard to which the owners are entitled by right.

The most recent revision to the scheme is more sensitively designed than previous revisions and does more closely replicate the original catslide roof. The proposal will bring built development closer to No.31, (by 0.96m at ridge level and 0.235m at eaves level). Members will need to carefully consider the impact of these changes on the amenities of the occupiers of the adjoining property. On balance it is considered that the proposal will not significantly worsen the impact on No.31 when compared to the approved scheme.

The single storey element to the rear of the property adjacent to the boundary with No.31 that was included in application (ref. 13/00655) has been deleted from this proposal.

The minor changes to the footprint of the building to square off the rear elevation and the corner of the property adjacent to No.27 are not considered to result in any material impact on the adjoining properties over and above that assessed and considered to be acceptable as part of the previously approved schemes.

Previous applications have increased the height of the proposed dwelling and reduced the level of side space to the adjoining boundaries, seeking to justify this by reducing the rearward projection of the proposed building adjacent to No.31, to lessen the impact on No.31. Whilst the principle of the development of a dwelling on the site has been established this application seeks to further increase the bulk of the roof of the building and height of the flank wall. The history of the revisions to the proposed schemes need to be viewed in their entirety, with each proposal

considered on its own merits and isolated elements of these proposals not used simply to justify development creep.

The applicant has indicated that the inclusion of a cat-slide roof will render two of the bedrooms and a bathroom, on the side of the property adjacent to No.31 unworkable. However, the applicant's position in this regard is not accepted. Even with the inclusion of a cat-slide roof (as has been demonstrated in the case of application ref. 13/0655) it is possible to provide two double en-suite bedrooms that are of generous sizes when compared to modern standards. The site is capable of accommodating and already has planning permission for a substantial dwelling. It would also be possible to add additional habitable accommodation in the roofspace and the applicant has indicated that he wishes to keep the roofspace to eventually add a guest room, gym and cinema room.

The principle of the development of substantial dwelling on the site has already been established, under application refs. 06/02943, 13/00655. It is acknowledged that the development of a dwelling on this site will impact on the amenities of the occupiers of the adjoining properties, however, Members will need to carefully consider whether with the proposed alteration to the roofline, the impact of the proposed dwelling will continue to fall within acceptable levels.

Whilst this is considered to be a finely balanced case, and the proposal is more sensitively designed than the revisions sought in previous applications, in view of the fact that the proposal will only bring built development 0.96m closer to the No.31 at ridge level and 0.235m at eaves level it is considered that the proposal will not significantly worsen the impact of the proposed dwelling on No.31 when compared to what has already been approved and therefore the application is recommended for permission.

Background papers referred to during production of this report comprise all correspondence on files refs. 06/00369, 06/02943, 08/03539, 11/03034, 13/00655 and 13/03135, excluding exempt information.

## **RECOMMENDATION: PERMISSION**

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**Reason:** Section 91, Town and Country Planning Act 1990.

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become

seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.

- 3 Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 4 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 5 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan.

- 6 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development Order 1995 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 7 While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 8 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the

discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 1995 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** To protect the amenities of the adjoining residents in order to comply with Policies H7 and BE1 of the Unitary Development Plan.

10 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the building hereby permitted, without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policies BE1 and H7 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

11 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**Reason:** To protect the amenities of the adjoining residents in order to comply with Policies H7 and BE1 of the Unitary Development Plan.

12 A minimum side space of 1.5m shall be provided between the north-east and south-west flank walls of the building hereby permitted and the flank boundaries of the property.

**Reason:** In order to comply with Policy H9 of the Unitary Development Plan and in the interest of the visual amenities of the area.

#### INFORMATIVE(S)

1 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)

2 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.

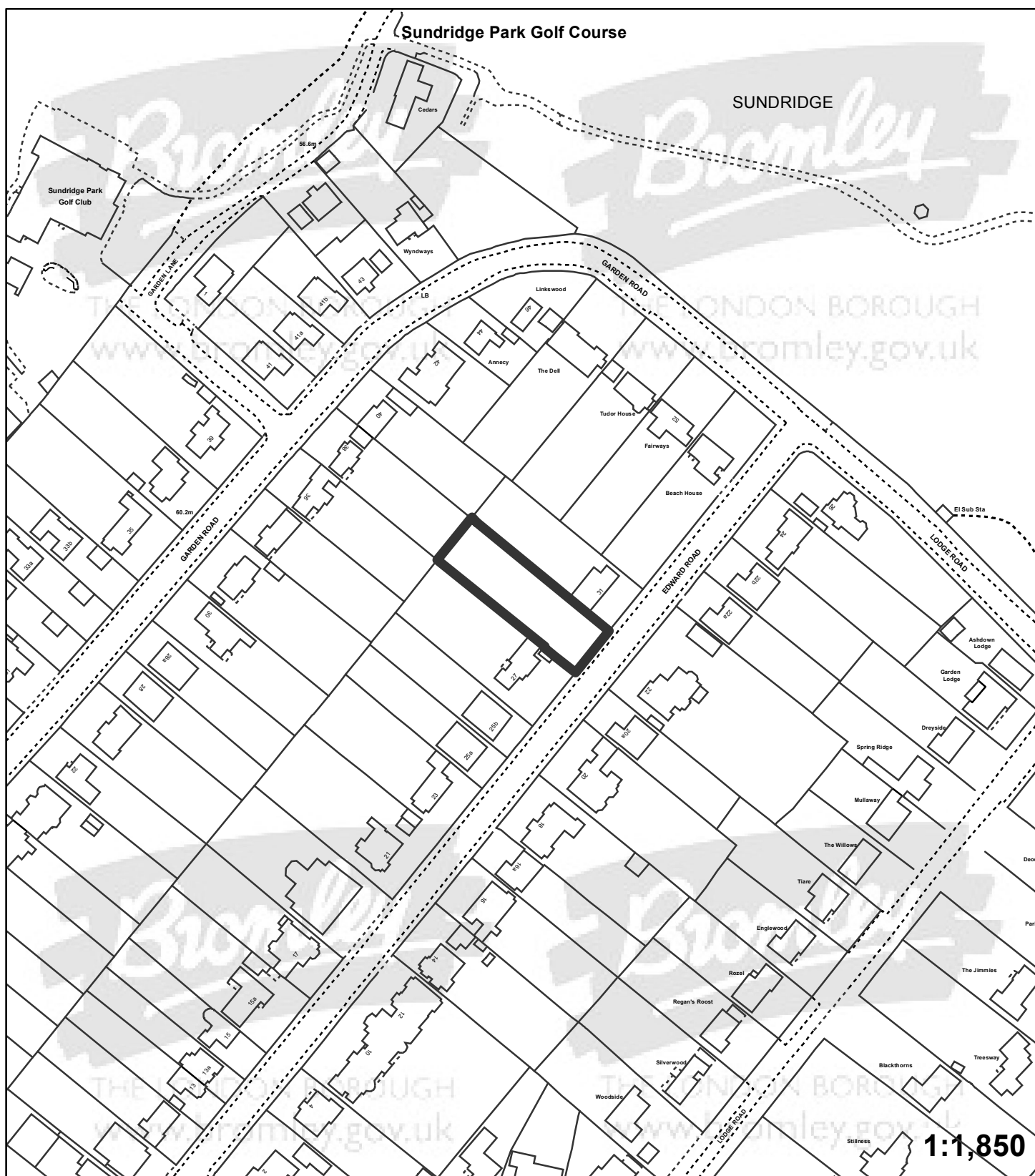
Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)

- 3 Before the use commences, the applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990.

**Application:**14/01145/FULL1

**Address:** Land Adjacent To 27 Edward Road Bromley

**Proposal:** Detached two storey six bedroom house with accommodation in roofspace, integral garage and associated vehicular access and car parking



"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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