

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

**Application No :** 14/00231/FULL1

**Ward:**  
**Copers Cope**

**Address :** 28 Downs Hill Beckenham BR3 5HB

**OS Grid Ref:** E: 538641 N: 169959

**Applicant :** Mr Anthony Brandi

**Objections :** YES

**Description of Development:**

Demolition of existing house and erection of replacement single family dwelling with associated excavation, landscaping and front boundary treatment.

Key designations:

Conservation Area: Downs Hill  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Biggin Hill Safeguarding Area  
Local Cycle Network  
London City Airport Safeguarding  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

**Proposal**

The application proposes the demolition of the existing detached dwelling and the erection of a replacement, detached dwelling with associated parking, terracing and landscaping. The submitted street scene indicates that the ridge height will not exceed the higher gable to the adjacent house to the south. A tapering boundary line is indicated resulting in a side space to the southern boundary of c 1m to the rear and c 1.4m to the front building line; that to the northern boundary is shown as c 2.6m.

A number of trees are to be removed as part of the development proposal.

**Location**

The site is located to the east side of Downs Hill and within Downs Hill Conservation Area. It is a residential area with predominantly detached dwellings of varying design within the vicinity; the land levels vary within the locality with the land particularly falling away significantly to the east.

**Comments from Local Residents**

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

- no daylight/sunlight impact assessment
- definitive dimensional information regarding setting out of the dwelling relative to fixed boundaries and the overall height of the dwelling relative to a tangible datum required to enable impact to be assessed
- concerns with the upper storey large bay windows and overlooking (possible reduction of conifer hedge if situation is changed due to lack of sunlight)
- annotated section of drawing submitted raising concerns with boundary and land ownership - request accurate plans which reflect the true boundary

### **Comments from Consultees**

APCA raise no objection.

Highways raise no objection in respect of car parking on the site but would prefer to see the gates set back at least 2m from the edge of the carriageway so vehicles do not overhang the road while waiting for the gates to open. Conditions are suggested in the event of a planning permission.

Comments from a Conservation point of view advise that the existing building makes a neutral contribution to the area and raise no objection to its demolition. The proposed replacement design approach is considered acceptable. No objection is raised subject to compliance with sidespace policy. Conditions are recommended in the event of a planning permission.

No objections are raised in respect of trees; conditions are suggested in the event of a planning permission.

### **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  
BE11 Conservation Areas  
BE12 Demolition in Conservation Areas  
BE14 Trees in Conservation Areas  
H7 Housing Density and Design  
H9 Side Space  
T3 Transport and Road Safety  
T18 Transport and Road Safety

and Supplementary Planning Guidance (SPG) of Bromley's Unitary Development Plan

### **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 and highway considerations.

The existing dwelling is not considered to be of any significant architectural merit and no planning objection is raised to its demolition subject to Policy BE12 and the requirement for acceptable and detailed plans for a replacement scheme that will make a positive contribution to the character and appearance of the Conservation Area.

Downs Hill SPG advises that the Council will expect all proposals for new development to conform to the character of the area, especially in regard to scale and height of construction, location within the plot and the design and materials used.

Planning policy emphasises the need for development to respect important views and landscape features and should not detract from the existing street scene and the importance of space about buildings and the creation of attractive settings.

It is considered that the design approach of the replacement dwelling is acceptable however concerns are raised regarding the limited side space to the southern boundary. A street scene has been submitted to support the application and this demonstrates that the height of the ridge will not exceed the higher gable to No 26 but is c 1.8m higher than No 30. A greater separation of the proposed development to the northern boundary helps to justify the greater ridge height in relation to No 30.

A supplementary supporting statement has been submitted in response to officer concerns relating to 'limited side space to the southern boundary'. The document looks to compare the immediate area's existing dwellings and proximity to boundaries with that proposed by this development proposal. A further visit was undertaken by the case officer and whilst the submitted plan shows distances to boundaries it does not reveal that many of these are single storey, a lower height or staggered building line to the neighbouring property. Street scene photographs are available on file.

Policy BE11 requires for development proposals to preserve or enhance the character or appearance of a conservation area. Whilst the design approach is considered acceptable the limited side space of c 1 - 1.4m, given the height and bulk of the proposal, is not considered to address the spatial qualities of the area and preserve or enhance the character and appearance of the conservation area.

Neighbour concerns are raised in respect of correct boundary details; these include that the boundary details as shown on the submitted plan are inaccurate. Any dispute over the boundary details is between the two parties involved and not something that the Council has jurisdiction over; Members will note the planning concerns regarding proximity to boundary, above.

Overlooking has been raised as a concern in respect of the large bay window to the rear elevation. It is noted that the lower part of the window serves the proposed

basement area and the upper part serves the 'ground' floor. Trees are shown to be removed to the southern boundary; given the difference in levels in the vicinity it is difficult to assess the full impacts that may arise in respect of overlooking, from the feature bay window. Long site section 121 Rev P1 indicates the existing ground line which indicates that the floor level of the proposed ground floor will result in an elevated position. Given this, the proximity to the boundary and the removal of boundary trees it is considered that the provision of the bay window without any screening or obscuring is likely to arise in an unacceptable level of overlooking, to the detriment of neighbouring amenity.

There is a large bay window to the flank of the neighbouring house at number 30 with what appears to be a roof terrace alongside. It is noted the layout of the proposed dwelling introduces a c 2.4m separation to this boundary and no flank windows are proposed. This proposed relationship will help to address impacts on neighbouring amenities however the proposed layout also includes an elevated terrace to the north side and rear of the proposed dwelling. No 30 appears to be at a lower level than the application site; in order to safeguard against undue overlooking screening to the terrace is to be considered in the event of a planning permission.

Neighbour concerns are raised in respect of sunlighting and daylighting and tangible datum in respect of heights and fixed boundaries (see above). In the event of a planning permission a slab level condition can be applied.

In the event of a planning permission the development will be CIL liable.

For the reasons discussed above it is considered that the development in the manner proposed is not acceptable in that it would result in a significant loss of amenity to local residents and would not preserve or enhance the character of the conservation area.

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 11.06.2014

## **RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

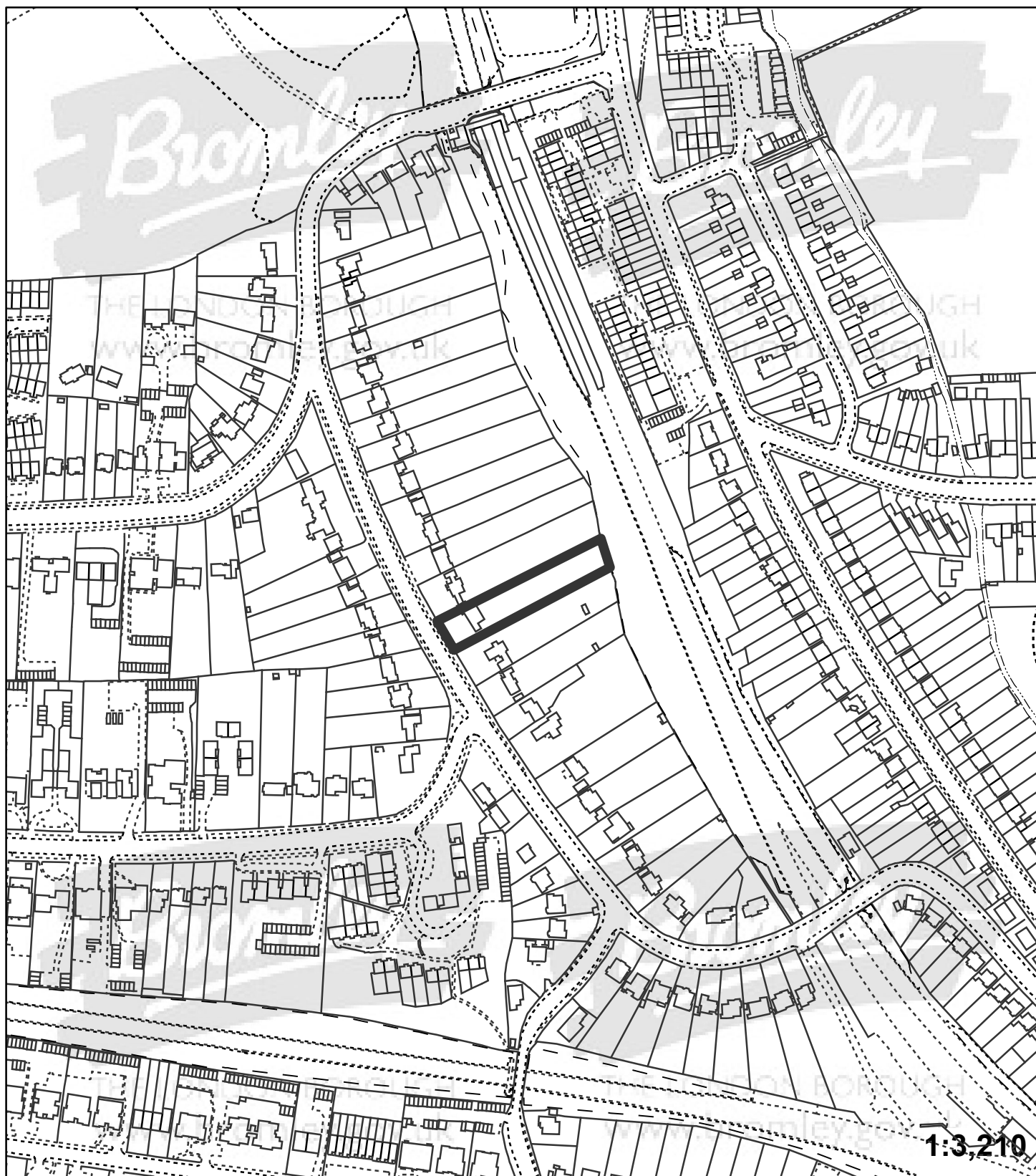
- 1 The proposal would constitute an overdevelopment of the site by reason of the limited side space to the southern boundary (given the height and design of the proposed replacement dwelling) which would cause harm to the character and appearance of the Downs Hill Conservation Area contrary to Policies BE1 and BE11 of the Unitary Development Plan.
- 2 Insufficient information has been submitted to demonstrate that the proposed development could be undertaken in a satisfactory manner, so as to not result in unsatisfactory levels of overlooking, especially given the

changes in level on the site, thereby contrary to Policy BE1 of the Unitary Development Plan.

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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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