

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

**Application No :** 14/01249/FULL1

**Ward:**  
**Penge And Cator**

**Address :** 1 Kingswood Road Penge London SE20  
7BL

**OS Grid Ref:** E: 535132 N: 170553

**Applicant :** Mr N Bajaj

**Objections :** YES

**Description of Development:**

Demolition of existing buildings and erection of two x 2 bedroom and one x 3 bedroom dwellings with associated parking and amenity areas

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

**Proposal**

The application proposes the demolition of existing commercial buildings and the erection of two 2-bedroom and one 1-bedroom dwelling with associated parking and amenity areas.

**Location**

The site is located on the west side of Kingswood Road and to the rear of number 1. It is reached via an accessway which goes underneath part of the first floor to number 1, Kingswood Road. Residential dwellings lay to the north of the site and what appears to be a mix of commercial and residential to the south and east. The area to the west appears open and commercial in nature. This is a commercial site which is currently unused and has a derelict appearance.

**Comments from Local Residents**

Neighbour concerns have been received relating to the postal address of the application site; it is advised that 1a Kingswood Road is the ground floor maisonette and 1 Kingswood Road the first floor maisonette and that the application site had previously been known as 1 Kingswood Road Factory

## **Comments from Consultees**

Highways note that the site is located in a PTAL area 4. The three car parking spaces indicated on plan are considered acceptable in principle although it is noted that head room may be an issue for high / emergency vehicles; conditions are suggested in the event of a planning permission

Drainage comments note that it is not acceptable to discharge surface water run off to public sewer without attenuation; conditions are suggested in the event of a planning permission.

Thames Water raise no objection in respect of sewerage and water infrastructure capacity; informatives are suggested in the event of a planning permission.  
Environmental Health (pollution) raise no objections; informatives are suggested in the event of a planning permission.

Environmental Health (housing) raise concerns in that the only communal living space in the proposed properties is combined with the kitchen area which is not desirable due to the risk of accidents associated with areas used for both food preparation and recreation.

In respect of family size accommodation it is noted that the communal area outside the proposed development does not appear to be fenced or guarded from the parking area and access drive.

## **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:

EMP5 Development Outside Business Areas  
H7 Housing Density and Design  
T3 Transport and Road Safety  
T18 Transport and Road Safety  
BE1 Design of New Development  
ER4 Sustainable and Energy Efficient Development  
ER7 Contaminated Land

## **Planning History**

There is no relevant planning history relating to the site but it is noted that there have been planning consents for residential development in nearby sites for example Montague Mews, 2a Kingswood Road.

## **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, together with the acceptability of

the change of use of the commercial premises which are located outside of a business area.

Policy EMP5 requires consideration to be given to the loss of a commercial site which states that the redevelopment of business sites or premises outside of the Designated Business Areas will be permitted provided that i) characteristics make it unsuitable for uses Classes B1, B2 or B8 use (see full text) and ii) full and proper marketing of the site confirms the unsuitability and financial non-viability of the site for those uses. Whilst the site visit revealed that the premises appear to have been unused and stood empty for some time no supporting documentation has been received with the application which fully sets out the background and more recent history to the 'redundant' use of the site. No marketing evidence has been received. Members may however consider that given the unused, derelict nature of the premises and changes of use to similar nearby sites and the proximity and relationship to nearby residential properties that the principle of residential accommodation in this location may not be unacceptable.

Impact on the amenities of neighbouring properties needs to be carefully considered. In such suburban areas an element of overlooking is to be expected. However the relationship of the Juliette balcony to the neighbouring garden and garden building is considered to create an unacceptable level of overlooking and detriment to neighbouring amenity. There are three windows to the first floor rear elevation; one will serve a bathroom, one the stairwell/landing area and one to a bedroom. This rear elevation faces to an open site with the appearance of a commercial nature. Given that it would not be unreasonable to expect that two of these windows would (or could) be obscure glazed the limited overlooking allowed by one bedroom window is not likely to raise a planning concern.

As well as seeking to protect amenities for existing occupiers Policies H7 and BE1 highlight the need for adequate amenity space to be provided to serve the needs and respect amenity of future occupants. The site offers restricted levels of amenity and concerns are raised from an Environmental Health point of view in that the communal area outside the proposed development does not appear to be fenced or guarded from the parking area and access drive. Highways are satisfied with the level of proposed parking/cycle space but note concerns with limited headroom access.

Whilst it is recognised that new development should seek to optimise the potential of a site, such development should, amongst other things, be attractive and respect local context, character and built heritage as well as providing quality accommodation for future occupiers. Members may consider that whilst the principle of residential may be acceptable in this location, the extent of development proposed by this particular scheme and the constraints of the site result in an overdevelopment of the site that will be harmful to existing and proposed residential amenity.

In the event of a planning permission the proposal will be CIL 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.

**RECOMMENDATION: PERMISSION BE REFUSED**

The reasons for refusal are:

- 1 The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to nearby occupiers thus contrary to Policies BE1 and H8 of the Unitary Development Plan.
- 2 The proposal would be an overdevelopment of the site, lacking in adequate amenity space thereby contrary to Policies H7 and 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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