

SECTION '2' – Applications meriting special consideration

Application No : 14/02082/FULL1

Ward:
Bromley Town

Address : Land Adjacent 29 Rochester Avenue
Bromley

OS Grid Ref: E: 540914 N: 169220

Applicant : Mr J Sharp

Objections : YES

Description of Development:

Erection of a detached, two storey four bedroom house with off-street parking

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Bromley Town Centre Area Buffer 200m
Local Cycle Network
London City Airport Safeguarding
London City Airport Safeguarding Birds
Open Space Deficiency

Proposal

Planning permission is sought for the erection of a detached, two storey four bedroom house with off-street parking.

The application is submitted in an attempt to overcome the reasons for refusal of a previous scheme that was also dismissed at appeal.

Location

The immediate area has a spacious suburban character. The nearby dwellings are mainly 2-storey inter-war semi-detached houses interspersed by detached dwellings and most are set back a similar distance from the roads in front gardens with drives.

Comments from Local Residents

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

- adjoining property to the west (122 Murray Avenue) is content with the plans shown;
- impact on the privacy of neighbouring properties;
- overdevelopment;
- not in keeping and out of character with the Palace Estate;
- the site was never developed nor intended to be used for a residential dwelling;
- land is believed to be contaminated by Japanese Knotweed;
- proposed building is inappropriate in scale, layout and design for the site; and
- separation to the adjoining property to the east (29 Rochester Avenue) is too small.

Comments from Consultees

Thames Water: No objection.

Highways: No objection subject to standard conditions.

Drainage: No objection subject to standard condition.

Planning Considerations

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

BE1 Design of New Development
 H7 Housing Density and Design
 H9 Side Space
 T3 Parking
 T18 Highway Safety
 ER13 Foul and Surface Water Discharges from Development

The following Council adopted SPG guidance is also a consideration:

Supplementary Planning Guidance 1 General Design Guidance
 Supplementary Planning Guidance 2 Residential Design Principles

London Plan policies:

3.3 Increasing Housing Supply
 3.4 Optimising Housing Potential
 3.5 Quality and Design of Housing Developments
 7.4 Local Character
 8.3 Community Infrastructure Levy

The above policies are considered consistent with the objectives and principles of the NPPF.

Planning History

The site as amended under the current application does not have any planning history. However, there is relevant planning history, namely a refused application (ref. 11/02294/FULL1) for a detached two-storey dwelling to be erected on that part of the site once belonging to 112 Murray Avenue with the reasons for refusal being:

The proposal would constitute an overdevelopment of the site by reason of the amount of site coverage by buildings and hard surfaces, thus would be out of character with the surrounding residential properties with significant rear gardens and contrary to Policies H7 and BE1 of the Unitary Development Plan, PPS3: Housing and Policy 3.5 of the London Plan.

The proposal would be an overdevelopment of the site, out of character with the locality thereby detrimental to its visual amenities and character, contrary to Policies H7 and BE1 of the Unitary Development Plan, PPS 3: Housing and Policy 3.5 of the London Plan.

The decision was subsequently dismissed appeal (PINS ref: APP/G5180/A/12/2168532).

Conclusions

The current application has been submitted in an attempt to overcome the reasons for refusal of a previous application for a detached dwelling that was also dismissed at appeal (as noted above). In this regard, Members should note that neither the previously refused application nor the appeal decision considered that there would be any undue harm to the residential amenities enjoyed by the occupants of neighbouring properties and that the outstanding reason for refusal was the harm to the character and appearance of the surrounding area.

The current proposal is for all intents and purposes is similar to that dismissed at appeal aside from the enlarged site taken from the rear of 114 Murray Avenue, the addition of a part width single storey rear extension and a slight setting back of the building. Given the separation from the proposed single storey rear extension, the marginally projecting two storey rear building line (approximately 1m) and the nearest adjoining property being 29 Rochester Avenue, despite the objections of that property, it is not considered the difference between the two schemes would warrant a different conclusion from that of the Inspector being warranted with regard to the proposal's impact on neighbouring residential amenities.

Given the above and the comments of the Inspector in her decision where she stated at paragraph 5 that:

The proposed 2-storey detached house would reflect the form of the nearby dwellings, it would maintain the front building line in Rochester Avenue, and it would be separated from the side boundaries with 112 Murray Avenue and 29 Rochester Avenue. In these regards, it would respect the street scene in Rochester Avenue.

Accordingly, Members may wish to limit the main issue for consideration to the effect that the proposal would have on the character and appearance of the surrounding area as the Inspector determined at paragraph 6 that:

...because the back garden of the proposed dwelling would be considerably shorter, and much smaller, than most nearby back gardens, it would be out of keeping with the layout of the surrounding development. The proportion of the site taken up by the dwelling and its associated hard surfaces would be at odds with the locality, where most plots are substantially larger. The use of the tightly constrained back garden by the 6 people who could potentially occupy the house would be significantly more intensive than that of most nearby back gardens.

To overcome the Inspector's comments the application now includes an extended rear garden which has been subdivided from the rear garden of 114 Murray Avenue. Members may consider that this additional rear garden results in an overall site that is sufficiently sized, is not out of keeping with the spatial standards of the surrounding area, overcomes the concern of the Inspector in the appeal decision and permission can therefore be granted.

Background papers referred to during production of this report comprise all correspondence on the files refs. 14/02082 and 11/02294, set out in the Planning History section above, excluding exempt information.

as amended by documents received on 18.06.2014 23.06.2014

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACK01 Compliance with submitted plan
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.
- 3 ACC01 Satisfactory materials (ext'n'l surfaces)
 ACC01R Reason C01
- 4 ACI17 No additional windows (2 inserts) eastern and western flank
 development
 ACI17R I17 reason (1 insert) BE1
- 5 ACD02 Surface water drainage - no det. submitt
 AED02R Reason D02
- 6 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 7 ACH12 Vis. splays (vehicular access) (2 in) 3.3m x 2.4m x
 3.3m 1m
 ACH12R Reason H12
- 8 ACH22 Bicycle Parking
 ACH22R Reason H22
- 9 ACH32 Highway Drainage

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

- 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 Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus considered necessary and practical to help with the modification of vehicular crossover hereby permitted shall be undertaken at the cost of the applicant.

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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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