

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

**Application No :** 14/03160/RECON

**Ward:**  
**Bickley**

**Address :** Wilderwood Widmore Green Bromley

**OS Grid Ref:** E: 541513 N: 169460

**Applicant :** Alpha Estates (London) Ltd

**Objections :** YES

**Description of Development:**

Variation of condition 2 of permission 13/01204/FULL1 (allowed on appeal) for 4 two bedroom dwellings and 1 two bedroom bungalow to enable development not in accordance with approved plans 3704-PD-13 and 14 to provide 8 front rooflights, 4 rear dormers and additional bedroom in roofspace

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
Local Distributor Roads  
Open Space Deficiency

**Proposal**

Under planning ref. 13/01204, planning permission was allowed on appeal for 4 two bedroom dwellings and 1 two bedroom bungalow to enable development not in accordance with approved plans 3704-PD-13 and 14 to provide 8 front rooflights, 4 rear dormers and additional bedroom in the roofspace. Two rear gables shown on the approved plans would need be removed to make way for the four dormers.

**Location**

The 0.12 hectare site is currently vacant following the removal of a detached residential dwelling formerly known as Wilderwood. The site rises quite steeply away from Widmore Green and is bounded by the highway verge to the northeast, by 112 Plaistow Lane to the northwest, by the rear of a two storey building to the southwest and further south along this boundary by the rear of two storey shop / residential premises fronting Widmore Road. The south-eastern boundary is adjacent to Widmore Green and includes an existing dropped kerb.

The surrounding area is mixed in character with some shops on Widmore Road adjacent to the site and further to the east. Widmore Green itself is a small but well kept open space in front of the site with a limited turning / parking area within it.

### **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received including on behalf of the Sundridge Residents' Association which can be summarised as follows:

- the residents association forewarned that such an application would be forthcoming if permitted development rights were not removed. It is considered that the proposal would result in an overdevelopment of the scheme
- the proposal changes the character of the 4 houses. The rear aspect would be adversely affected and the residential density would be substantially increased
- the Inspector approved the application and did not approve the proposed change
- the latest approved application provided precise, reasonable and clear guidelines to be followed by the developer
- the Inspector considered the roof gables were a design feature
- we are dismayed to see a new proposal for a variation which will increase the number of bedrooms by 50% and the cottages will now be 3 storey and alter the appearance and character of the terrace
- the Inspector determined to retained permitted development rights on the terrace for the future individual occupants and not for the benefit of the developers
- overall the plan shows no consideration or sympathy for the existing surrounding neighbourhood
- excluding the gables would create a block effect and thus remove one of the supporting influences in the Inspectors report

### **Comments from Consultees**

Environmental Health - No objections.

Highways comments will be reported verbally.

Drainage - No comment.

Thames Water - The application does not affect Thames Water and as such we have no comments to make.

### **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  
H9 Side Space  
T3 Parking  
T18 Road Safety  
NE7 Development and Trees

Supplementary Planning Guidance (SPG) 1 General Design Principles  
Supplementary Planning Guidance (SPG) 2 Residential Design Guidance

London Plan:

3.3 Increasing Housing Supply  
3.4 Optimising Housing Potential  
3.5 Quality and Design of Housing Developments

The National Planning Policy Framework is also a key consideration in the determination of this application.

### **Planning History**

There is a substantial planning history relating to this site the most relevant of which is outlined below:

In 1995 under planning ref. 95/00458, an outline application was refused for the demolition of an existing dwelling and erection of three detached houses and vehicular access to Plaistow Lane.

In 2008 under planning ref. 08/01390, an application was submitted for a three storey block comprising 2 three bedroom and 7 two bedroom flats including front and rear balconies with lower ground floor parking comprising 7 car parking spaces and 3 surface parking spaces at front with bin store which was subsequently withdrawn.

In 2008 under planning ref. 08/02958, permission was refused for the erection of a part 2 / part 3 storey block comprising 8 two bedroom apartments and 1 three bedroom penthouse with undercroft parking and associated landscaping on the following grounds:

'The proposed development, by reason of its size and bulk and amount of building and hard surfaces would constitute an overdevelopment of the site and would result in an overbearing and detrimental feature within the streetscene, contrary to Policies BE1 and H7 of the Unitary Development Plan.'

This was subsequently dismissed at appeal.

In 2010 under planning ref. 10/00642, an outline application for the erection of two/three storey building comprising of 7 two bedroom flats was submitted which was subsequently withdrawn.

In 2010 under planning ref. 10/02076, permission was refused for an outline application for the erection of two storey building comprising of 6 two bedroom flats with undercroft parking on the following grounds:

'The proposed development, by reason of its size and bulk and amount of building and hard surfaces would constitute an overdevelopment of the site and would result in an overbearing and detrimental feature within the streetscene, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposed additional vehicular movements to enter and exit the site will increase the potential for highway safety concerns, therefore contrary to Policy T18 of the Unitary Development Plan'.

This was subsequently appealed against and dismissed by Appeal Decision dated 14th March 2011.

Planning permission was refused under ref. 12/01030 for 4 x 2 bedroom two storey terrace dwellings with outbuildings to rear; 2 storey building containing 2 x 2 bedroom flats; associated landscaping and 8 on site car parking spaces. The refusal grounds were as follows:

'The proposal constitutes a cramped overdevelopment of the site by reason of the type and number of units proposed, and if permitted would establish an undesirable pattern for similar piecemeal infilling in the area, out of character with the pattern of surrounding development and resulting in an over-intensive use of the site and a retrograde lowering of the spatial standards to which the area is at present developed, harmful to the visual amenities and character of the area and therefore contrary to Policies H7 and BE1 of the Unitary Development Plan.'

The application was subsequently dismissed on appeal. The Inspector states:

'The proposal includes a two storey building containing two flats that would be about three metres from the edge of the Green. The building would be higher than the adjacent single storey commercial building and although the proposed building would have the appearance of a detached house, it would be a prominent and imposing feature that would have the effect of unduly enclosing part of the northwest side of the Green. Thus it would detract from the openness of the area and so would not respect or enhance the character and appearance of the area.

The proposal also includes a terrace of four houses and a parking area. The density of development would be greater than that along Plaistow Lane or the wider area to the north and south of the site and the terrace would be close to 112 Plaistow Lane. The Council have expressed concern at the extent of building footprints and the bulk, type and number of units proposed for the site. A terrace of houses would be unusual in Plaistow Lane but this site has a stronger relationship with the area around the Green than with the more distant parts of Plaistow Lane. In any event, the scheme would meet

the Council's spacing requirements and the density would not be dissimilar to those of the terraces to the southwest of the site. The area is mixed and, subject to sensitive design, I do not consider the change in spatial standards resulting from this proposal would in itself be detrimental to the character and appearance of the area.

Parked cars in the southeast corner of the site would be discordant with the more natural characteristics of the Green but suitable boundary treatment would screen this area and this could be required by condition. I have also noted the Council's concerns that the proposal would establish an undesirable pattern for cramped and piecemeal development that would be detrimental to the character and appearance of the wider area. However, I have determined this case on its particular merits in relation to the objectives of the development plan and this should be the case for future applications elsewhere.

Notwithstanding my conclusion on other aspects of the proposed development, I conclude that the proposed building containing the two flats would detract from the character and appearance of the area. The proposal conflicts with saved Policies BE1 and H7 of the Bromley Unitary Development Plan which aim to protect the character and appearance of areas.'

Under planning ref.13/01204, planning permission was refused for the following reasons:

The proposal constitutes a cramped overdevelopment of the site by reason of the type and nature of units proposed and if permitted would establish an undesirable pattern for similar piecemeal infilling in the area, out of character with the pattern of surrounding development and resulting in an over-intensive use of the site and a retrograde lowering of the spatial standards to which the area is at present development, harmful to the visual amenities and character of the area and therefore contrary to Policies H7 and BE1 of the Unitary Development Plan and Policy 3.5 of the London Plan.

A subsequent appeal was allowed in December 2013.

## **Conclusions**

The Inspector imposed a condition to ensure that the development would be built strictly in accordance with the approved plans. This condition prevented any changes to the approved development prior to its completion and occupation without the submission of a planning application. A post completion permitted development change to the terrace of houses could be carried out without the need for an application of this type.

It is notable that the Inspector in reaching his decision chose to remove Class B & C permitted development rights preventing enlargements or other alterations to the roof of the chalet bungalow. The absence of a similar condition in respect of

the terrace of 4 houses to which the current application relates suggest that this would not be necessary.

National Planning Practice Guidance (March 2014) regarding the use of conditions sets out that they should be added in a way that is clearly seen to be fair, reasonable and practicable, conditions should not impose broad or unnecessary controls and should only be added where they meet the tests of being necessary, relevant to planning and to the permitted development, enforceable and reasonable in all other respects. This is considered to be the context for the Inspector not to impose a condition restricting roof extensions.

The two rear gables which were considered features by the Inspector would be removed to make way for the dormers and whilst 4 dormers are proposed, they are small and well designed and do not increase the overall bulk of the terrace.

With regards to the impact on residential amenity, the separating distances involved and the oblique angles with the most affected properties at 166-177 Widmore Road and Beechfield Cottages would not give rise to undue overlooking or loss of privacy.

Background papers referred to during production of this report comprise all correspondence on the files refs. 13/01204 and 14/3160 set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: APPROVAL**

subject to the following conditions:

1 The development hereby permitted shall begin not later than 12th December 2016.

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

2 The development hereby permitted shall be carried out in accordance with the following approved plans: 3704 PD-11, 3704 PD-12, 3704 PD-13, 3704 PD-14, 3704 PD-15.

**Reason:** In the interests of the visual amenities of the area and the residential amenities of the neighbouring properties, in line with Policies BE1 of the Unitary Development Plan.

3 No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development 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 Notwithstanding condition 2, 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 the dimension of any recess) shall

be submitted to and approved in writing by the Local Planning Authority before any work is commenced. Development 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.

5 Notwithstanding condition 2, no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include hard surfacing materials; the means of enclosure of the site, the car parking area, refuse storage and collection areas and finished levels or contours. Soft landscape works shall include planting plans; schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. Development shall be carried out in accordance with the approved details. Hard landscaping works shall be carried out in full prior to first occupation of any of the dwellings hereby permitted, unless the local planning authority gives written approval to any variation.

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

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the 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, unless the local planning authority gives written approval to any variation.

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

7 No development shall take place until details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree have been submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. The fencing shall be retained until construction works are complete.

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

8 Before the development hereby permitted is commenced, details of the location and means of excavation for soakaways, trenches, pipelines for services or drains shall be submitted to and approved in writing by the Local Planning Authority. The excavations shall be carried out in accordance with the approved details.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policies 5.12 and 5.13 of the London Plan.

9 The applicant shall at his own expense instruct an arboricultural consultant, approved by the Council in writing to liaise with the developer and / or his architect or engineer to approve details of construction methods, oversee the works and report to the Council throughout the period of the works in so far as the works may affect trees within the site. Works shall not commence

on site until a consultant has been appointed. After commencement of the project, all persons employed or engaged on the project shall immediately comply with any reasonable instruction, advice or request given by the arboricultural consultant in respect of works in so far as they relate to or affect trees within the site, including an instruction to cease work if the arboricultural consultant considers that works have deviated from the agreed working methods. In these circumstances works shall not recommence until written authority has been given by the Council or the arboricultural consultant to do so.

**Reason:** To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration of the chalet bungalow on plot 1 hereby permitted which would be within the terms of Schedule 2, Part 1, Class B or C of that Order.

**Reason:** In order to prevent an overdevelopment of the site and to comply with Policies BE1 and H7 of the Unitary Development Plan.

11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i) Safe access to the site, minimising the potential for conflict with traffic
- ii) the parking of vehicles of site operatives and visitors
- iii) loading and unloading of plant and materials
- iv) storage of plant and materials used in constructing the development
- v) wheel washing facilities
- vi) the hours of operation.

**Reason:** In order to comply with Policies T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

12 No development shall take place until details of surface water drainage of the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to first occupation of any of the houses hereby permitted.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policies 5.12 and 5.13 of the London Plan.

13 The refuse storage areas and bicycle parking facilities provided in accordance with the submitted plans shall thereafter be retained.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

14 No development shall take place until a site survey of Japanese Knotweed has been carried out in accordance with a methodology which has



previously been submitted to and approved in writing by the local planning authority. The results of the survey shall be made available to the local planning authority. If Japanese Knotweed is found by the survey, a report specifying the measures to be taken to eradicate it from the site, and a timetable for its eradication, shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved details.

**Reason:** In order to eradicate Japanese Knotweed from the site.

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**Address:** Wilderwood Widmore Green Bromley

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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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