

SECTION '2' – Applications meriting special consideration

Application No : 14/02617/FULL1

Ward:
Hayes And Coney Hall

Address : 53 Kechill Gardens Hayes Bromley BR2
7NB

OS Grid Ref: E: 540392 N: 167128

Applicant : Mr Paul Nevard

Objections : YES

Description of Development:

Erection of attached two storey 3 bedroom dwelling and extensions and alterations to 53 Kechill Gardens.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line

Proposal

The application proposes the erection of an attached two storey dwelling with garage, and extensions and alterations to 53 Kechill Gardens. The southern boundary tapers to the rear and revised plans received indicate c 5.2m separation from the flank wall of the two storey house at the front of the site tapering down to 3.9m to the rear of the house. The flank wall of the proposed single storey garage element will be set c 1.8m (mid-point) from that boundary (c 2.2m distance at the front tapering down to c 1.2m at the rear). The rear point of the single storey rear extension will sit c 3.2m from the southern boundary, with a 3m rearward projection beyond the rear building line of the proposed dwelling and existing dwelling at No 53.

Location

The site is a semi-detached two storey dwelling house located to the northern end (cul-de-sac) and on the west side of Kechill Gardens. The immediate vicinity comprises a mix of semi-detached two storey and bungalow development.

Comments from Local Residents

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

- terrace house would be out of character
- incongruous development
- contravenes Policies H8 and H9, London Plan Policy 7.4 and National Planning Policy Framework
- garden grabbing
- overdevelopment
- pressure on parking & knock on effect to surrounding streets
- increase traffic & congestion
- contravenes previous condition to prevent sub-division
- existing covenants
- set precedent
- footprint larger than extension footprint
- two small cramped houses would lead to the need for further extensions
- impact on No 55 - becomes a terrace and development less than 1m to boundary
- plans exaggerated - show the plot of 53, 2m wider than it is
- development should be just extension - as approved

Objections received include representations from Kechill Gardens Residents Association

Comments from Consultees

Design Out Crime comments are received and see no reason why the proposal cannot achieve the principles of Secured By Design. Recommendations are made in the event of a planning permission.

No Highway objections are raised to the proposal; 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
 H7 Housing Density and Design
 H9 Side Space

Supplementary Planning Guidance 1
 Supplementary Planning Guidance 2

Planning History

There is a significant planning history to the site which includes the following:

- 12/02589 - Part one/two storey side and rear extension – Permission.

The side space to the southern boundary indicated on the plans the subject of this planning permission show 4.05m to the front tapering down to c 3.7m to the rear. The single storey rear element proposes a 3.5m rearward projection.

- 12/03353 - Two storey detached dwelling house - Refused for the following reason: The proposal represents an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan and the appeal was dismissed
- 13/00228 - Demolition of two storey extension and erection of two storey detached dwelling together with associated work to provide off street parking - Refused for the following reason:

The proposal represents an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan and the appeal was dismissed

- 13/03420 - Erection of two storey dwelling with garage and additional attached garage to serve 53 Kechill Gardens on land adjacent 53 Kechill Gardens - Refused for the following reason:

The proposal represents an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policies BE1 and H9 of the Unitary Development Plan and Policy 7.4 of the London Plan and the appeal was dismissed.

Conclusions

The main issues relating to the application are the impact that it would have on the amenities of the occupants of surrounding residential properties and the effect that it would have on the character of the area.

In terms of the impact of the development on neighbouring amenities given the size, siting and design of the proposed dwelling it is not considered that the scheme will have such a negative impact on neighbouring amenities to warrant a planning refusal in this respect.

In respect of the effect that the development would have on the character of the area it should be noted that the previous grounds of refusal were concerned with overdevelopment of the site and harm caused to the spacious character of the surrounding area. The subsequent appeal decisions, now material considerations in any future development proposal at the site, noted that the gaps in between the pairs of houses provide substantial and important visual break along Kechill Gardens; combined with the setback of houses behind garden frontages and/or driveways an attractive, open and spacious quality to the area was provided. The Inspector's decision also noted that the houses in 'this part' of the street are semi-detached and provide a rhythm and uniformity to the area which serves to enhance its character and appearance. The Inspector opined that the introduction of a

detached dwelling would appear alien and out of keeping with the surrounding area.

These historical applications related to the provision of a detached dwelling house. This current proposal is to consider the planning merits of an attached dwelling. It is noted that the planning history (ref. 12/02589) does allow for a substantial two storey side extension to the existing house with a side space to the southern boundary c 3.7m. That permission was subject to conditions, including Condition 4 which required that 'The additional accommodation shall be used only by members of the household occupying the dwelling at 53 Kechill Gardens and shall not be severed to form a separate self-contained unit'. The reason for the condition was to '...ensure that the accommodation was not used separately and unassociated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings'.

In terms of a satisfactory level of accommodation, the scheme now presented for consideration is not considered to be sub-standard and would offer a satisfactory level of accommodation for existing and future occupiers.

The principle of the extent of the proposed built form is considered acceptable given permission ref. 12/02589 with the external appearance in keeping with the general character of the rest of the dwellings in the street. The submitted plans indicate that the proposed development is slightly less in bulk to the approved extension. It is not considered that any greater sense of terracing would occur than the effect of the extant permission for the proposed extension. There will remain a substantial gap between the new house and No.51

As noted above, previous appeal decisions have referenced the rhythm and uniformity of development within the area. Additionally significant local concerns have been expressed in respect of incongruous and over development.

The previous appeal decisions are material considerations within the consideration of this specific proposal. There are finely balanced considerations to this proposal given that the principle of the extent of the built form is acceptable, that a generous level of side space will remain to the southern boundary and that the host and resultant accommodation are not compromised.

The NPPF sets out a presumption in favour of sustainable development and encourages the provision of a good supply of a varied mix of homes. Policy BE1 of the Bromley Unitary Development Plan 2006 (the UDP) sets out criteria which proposals for new development will be expected to meet. These include requirements for an attractive appearance, adequate space and suitable access and that the amenity of occupiers of neighbouring buildings should be respected. It is considered on balance that these aims are met by this proposal.

There is a significant planning history relating to detached dwellings on the site however a revised design approach has now been made and it is a carefully balanced decision that has to be made. Given the above, and on balance, it may be considered that the proposal is acceptable in that it would not harm the character and appearance of the existing building or the surrounding area and is

therefore consistent with Policy BE1, that highways requirements are met and that it would provide an additional home in a sustainable location in accordance with advice in the NPPF.

Local concerns in respect of covenants are noted however this a matter between the two parties concerned and does not form part of the planning considerations.

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 2.10.14

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1 ACA01 Commencement of development within 3 yrs
 ACA01R A01 Reason 3 years
- 2 ACA04 Landscaping Scheme - full app no details
 ACA04R Reason A04
- 3 ACA07 Boundary enclosure - no detail submitted
 ACA07R Reason A07
- 4 ACC01 Satisfactory materials (ext'nl surfaces)
 ACC01R Reason C01
- 5 ACI02 Rest of "pd" Rights - Class A, B,C and E
Reason: In order to comply with Policies H8 and BE1 of the Unitary Development Plan and in the interest of the neighbouring amenities.
- 6 ACH03 Satisfactory parking - full application
 ACH03R Reason H03
- 7 ACH16 Hardstanding for wash-down facilities
 ACH16R Reason H16
- 8 ACH32 Highway Drainage
 ADH32R Reason H32
- 9 No loose materials shall be used for surfacing of the parking and turning area hereby permitted.
Reason: In the interest of highway safety.
- 10 ACI08 Private vehicles only
 ACI08R Reason I08
- 11 ACK01 Compliance with submitted plan
 ACC01R Reason C01

INFORMATIVE(S)

- 1 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.

- 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

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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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