

SECTION '2' – Applications meriting special consideration

Application No : 14/03673/FULL1

Ward:
Petts Wood And Knoll

Address : 9 Irene Road Orpington BR6 0HA

OS Grid Ref: E: 545916 N: 166608

Applicant : Akers Developments Ltd

Objections : YES

Description of Development:

Demolition of existing dwelling and erection 1 five bedroom and 1 four bedroom dwellings.

Key designations:

Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency

Proposal

Permission is sought for the demolition of the existing single storey detached dwelling and the erection two detached dwellings, both of which are two storeys with Plot 1 being five bedrooms and Plot 2 being four bedrooms. Both feature accommodation within the roofspace.

Each dwelling has a depth of between 13.6 metres and 16.7 metres with a width of 12 metres. The proposal gives a density of 12.5 dwellings per hectare.

Location

The application site is located to the western edge of Irene Road and is situated between the junctions of Sequoia Gardens to the south and Novar Close to the north. Sequoia Gardens also bounds the site to the rear, with Nos.10-16 adjoining the rear of the site at a much lower ground level. The site itself features a large single storey dwelling that is not of a similar style or footprint to the surrounding pattern of development which is generally that of smaller single storey and two storey detached residential dwellings.

Comments from Local Residents

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

- height and scale are overbearing
- overshadowing to No.11
- loss of prospect
- negative impact upon house prices
- Irene Road unsuitable for such an increase in traffic that will result
- not in keeping with the area
- precedence for further developments of the same scale
- no significant changes made
- the house being neglected is not a reason to demolish it
- will not compliment the street scene
- overdevelopment
- unacceptable loss of trees to the rear of 2 Sequoia Gardens
- patios will lead to noise and disturbance
- loss of privacy to 2 Sequoia Gardens

The Knoll Residents Association have objected on the grounds that only minor adjustments have been made that do not overcome the Inspector's comments with a harmful impact upon No.11.

Comments from Consultees

Highways raise no objection subject to conditions.

No significant trees will be affected by the proposal. The development comprises the same landscaping proposal as that contained within the two previously refused schemes and no objection was raised in this regard under those applications.

Planning Considerations

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

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance 1 and 2

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

- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments

The Mayor's Supplementary Planning Guidance: Housing (SPG)

The National Planning Policy Framework, with which the above policies are considered to be in accordance

Planning History

The following applications are considered most relevant

13/01070 Refused permission for the erection of 2 five bedroom dwellings on the following grounds:

1. "The proposed dwelling on Plot 2, by reason of its overall depth and excessive projection beyond the rear of No. 11 Irene Road, would result in an unacceptable impact upon the amenities, prospect and daylight received by the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.
2. The proposed dwelling on Plot 1, by reason of its overall depth and excessive projection beyond the rear of No.7 Irene Road, would result in an unacceptable impact upon the amenities and prospect of the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.
3. The proposal, by reason of its siting and design, would result in an overbearing visual impact on Nos. 12, 14 and 16 Sequoia Gardens and would result in a loss of privacy to the occupants of these properties, contrary to Policies BE1 and H7 of the Unitary Development Plan.
4. The proposal, by reason of its excessive bulk and scale, would constitute an over-dominant and cramped form of development harmful to existing spatial standards and out of character with the area, contrary to Policies BE1 and H7 of the Unitary Development Plan."

13/03591 Refused permission for a revised development of 2 five bedroom houses on the following grounds:

1. "The proposed dwelling on Plot 2, by reason of its overall depth and excessive projection beyond the rear of No. 11 Irene Road, would result in an unacceptable impact upon the amenities, prospect and daylight received by the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.
2. The proposed dwelling on Plot 1, by reason of its overall depth and excessive projection beyond the rear of No.7 Irene Road, would result in an unacceptable impact upon the amenities and prospect of the residents of that property contrary to Policies BE1 and H7 of the Unitary Development Plan and the National Planning Policy Framework.
3. The proposal, by reason of its siting and design, would result in an overbearing visual impact on Nos. 12, 14 and 16 Sequoia Gardens and

would result in a loss of privacy to the occupants of these properties, contrary to Policies BE1 and H7 of the Unitary Development Plan.

4. The proposal, by reason of its excessive bulk and scale, would constitute an over-dominant and cramped form of development harmful to existing spatial standards and out of character with the area, contrary to Policies BE1 and H7 of the Unitary Development Plan."

Application ref. 13/03591 was subsequently dismissed at appeal, however Members attention is drawn to the comments made by the Inspector in reaching this conclusion which can be summarised as follows:

"I concur that the two storey height of the proposed house when seen over that degree of projection beyond the rear building line of No.11 would be unduly imposing upon the outlook [of No.11] (para.5).... the degree of rearward projection, the height of the house, the proximity to the boundary with No.11 and the siting to the south of No.11 would combine to have a materially harmful effect upon the living conditions of existing occupiers. (para.6).

The proposed house on plot 1 would be sufficient distance from the adjoining house at no.7 to ensure no loss of outlook or light to that property (para.7)

This large drop in levels, and the notable distance of some 30m between the proposed houses and the Sequoia Gardens houses, means there would be no harmful effect upon the privacy or outlook to existing occupants. (para.9)

The form, scale, massing and design of the proposed houses would not be harmful to the character and appearance of the surrounding area (para.12)"

Conclusions

The main consideration in the assessment of this proposal is that of the changes made to the development in light of the Inspector's comments in dismissing the appeal against the Council's refusal of application ref. 13/03591.

In concluding the appeal decision, the Inspector found in favour of the development on grounds 2-4, namely the impact of Plot 1 upon No.7, the impact upon amenity of Nos. 12, 14 and 16 Sequoia Gardens, and the proposal being an over-dominant and cramped form of development harmful to existing spatial standards and out of character with the area. As such the appeal was dismissed on the first ground only, the impact of the two storey rear element of Plot 2 upon the living conditions of No.11; specifically the impact upon outlook and light levels as a result of height, depth and proximity to the boundary.

In order to overcome this the applicant has reduced the depth and width of the north-western first floor element of Plot 2 and the resultant dwelling is reduced from five bedrooms to four. To the north-western section at the boundary with No.11, the two storey element is set a further 1.2m from the boundary giving a side space at

first floor level of 3m at the rear building line of No.11 and diverging to the west to increase this separation. The footprint of the previous two storey element is now occupied by a single storey side and rear section that benefits from a side space of between 1.8m at the rear building line of No.11 and 2.375m at the rear elevation of the proposal.

The depth has also been reduced at first floor level by 1.3m resulting in a rearward projection beyond the rear building line of No.11 of 3m at a distance of 3m from the boundary. At ground floor level the projection is 4.5m at a separation of between 1.8m and 2.375m.

The Inspector commented that the previous rearward projection was too large at the level of separation proposed. The first floor element has been reduced in both width and depth which results in a high level of separation beyond the rear building line of No.11 and an acceptable depth. It is considered that the revisions made result in a degree of impact upon No.11 that is acceptable and overcomes these concerns.

Concerns have been raised with regard to parking and traffic, the issue of precedent, impact upon house prices, loss of trees and the use of the patio areas. No objections have been made by the Council's Highway's officer with regard to the parking provision and the introduction of an additional dwelling has not previously and is not considered to result in an unacceptable impact upon the levels of traffic in the area. Each planning application is considered on its own merits and it is not considered that in permitting this development any binding precedent would be set for future applications elsewhere in the area. No objections are made in relation to the landscaping proposals previously or currently and none were raised by the Inspector in dismissing the appeal. The patio areas would be within a pre-existing garden space and the level use of this area is not considered to be over and above what could be utilised at present. The positive or negative impact of a development upon house prices in an area is not a material planning consideration.

Background papers referred to during production of this report comprise all correspondence on the file ref. 14/03673 and as set out in the Planning History section above, excluding exempt information.

as amended by documents received on 22.10.2014 24.10.2014

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- | | | |
|---|-----------------|--|
| 1 | ACA01
ACA01R | Commencement of development within 3 yrs
A01 Reason 3 years |
| 2 | ACA04
ACA04R | Landscaping Scheme - full app no details
Reason A04 |
| 3 | ACC01
ACC01R | Satisfactory materials (ext'n'l surfaces)
Reason C01 |
| 4 | ACH03 | Satisfactory parking - full application |

- ACH03R Reason H03
5 ACH32 Highway Drainage

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan and Planning Policy Statement 25.

- 6 ACI02 Rest of "pd" Rights - Class A, B,C and E

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to prevent and overdevelopment of the site in the interest of the visual and residential amenities of the area and neighbouring residents.

- 7 Before the development hereby permitted is first occupied, the proposed window(s) in the northern and southern elevations of both dwellings shall be obscure glazed to a minimum of privacy level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above floor of the room in which the window is installed and shall subsequently be permanently retained as such.

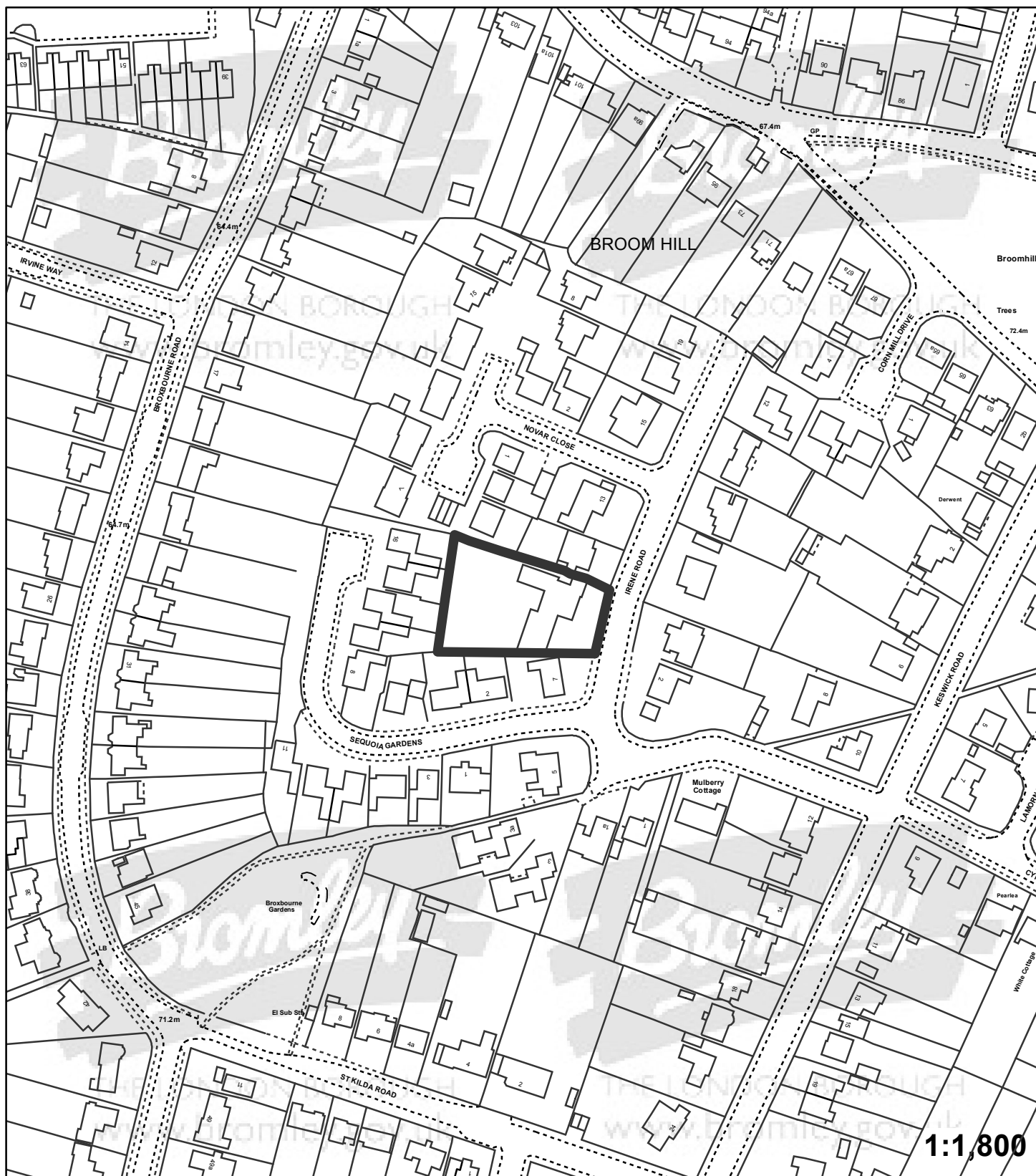
Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 8 ACK01 Compliance with submitted plan
ACK05R K05 reason

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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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