

SECTION '2' – Applications meriting special consideration

Application No : 15/01235/FULL1

Ward:
Copers Cope

Address : 9 St Clare Court Foxgrove Avenue
Beckenham BR3 5BG

OS Grid Ref: E: 537994 N: 170143

Applicant : Jack Sengupta

Objections : YES

Description of Development:

Conversion of basement storage to two bedroom self-contained flat

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
London City Airport Safeguarding Birds
Smoke Control SCA 12

Proposal

Planning permission is sought to convert the existing basement of the property into a two bedroom self-contained flat.

For clarity amended planning application forms and revised certificate were received from the agent dated 25th March 2015 stating that Jack Sengupta was no longer the legal owner, but his son Daniel Sengupta was. The agent also confirmed that Platinum Estates (London) Ltd had been liquidated (however, the Local Planning Authority will not become involved in private legal matters).

Note* - this application was deferred from planning sub-committee 1 on 21st May 2015 to seek clarification of the proposed internal measurements. The plans have been measured and the total Gross Internal Area (GIA) of the proposed basement flat measures 70.98sqm. The floorarea (40sqm) stated in the previous report related to habitable room area (two bedrooms & living area) only. This report has been updated where relevant and the second reason for refusal removed as the proposed floorarea complies with the London Plan minimum floorspace standard.

Location

The application site is located at Nos. 9-10 St Clare Court, Foxgrove Road, Beckenham and is within the Area of Special Residential Character. The

application site is a detached building located on the eastern side of Foxgrove Avenue, Beckenham.

St Clare Court currently consists of three blocks of two storey buildings adjacent to each other.

The land slopes steeply towards the east where a communal garden is provided which is accessed through a steeply sloping shared driveway. This drive also provides access to the existing garages and store rooms located underneath the existing flats. The external doors to these garages are located in the flank walls adjacent to the driveway. There are 2 small external doors and windows located on the side and rear elevations of both existing blocks which provide light and access to the store rooms.

Consultations

Nearby owners/occupiers were notified of the application and 35 letters of objection were received which can be summarised as follows:

- o The applicant is no longer the freeholder for St Clare Court and the company Platinum Estates are no longer in existence.
- o The site is already overdeveloped
- o To convert the area into a self-contained flat would require major excavation work as the current basement is only 1.5m high and was built to house coal. It is not suitable as a habitable dwelling.
- o There are no details regarding the provision of mains water, gas and electricity to the proposed flats and how this might affect the existing flats supplies.
- o The privacy of the residents of Flat 8a, the basement of Block 5-8, will be severely impacted by the proposal. There will be a front door and two sets of windows in the proposed conversion which will overlook flat 8a.
- o The residents in the two basement flats, previously converted by the same applicant have had serious problems with damp, plaster bulges and mildew.
- o Parking on the street is already a problem for residents, additional occupation would only add to this problem
- o Concern that the proposed plans do not take into account important issues of public services such as main sewer, water tanks on the roof, waste disposal, heating etc
- o Due to the age of the building it is unlikely the foundations will be adequate to take an extra load.
- o There is no means of fire escape
- o The development will cause noise and disturbance

Comments from Consultees

Environmental Health (Housing) -

- o The bathroom, en-suite and kitchen do not appear to be provided with natural ventilation. Adequate means of mechanical ventilation should therefore be provided.
- o There is a permanent physical obstruction within 3m of the window serving bedroom 2, which is consequently obstructed. By drawing a line from the top of the obstructing structure declining at a 30 degree angle down to the window any part of the window below the declining line when calculating the natural light provided by the obstructed window must be discounted. There must be an area of unobstructed window glazing to the bedroom equivalent to at least one tenth of the bedroom floor area. All habitable rooms should be provided with a glazed area of at least 1/10th of the available floor area and a ventilation opening of at least 1/20th of the available floor area.
- o Bedroom 1 is provided with insufficient outlook, with the window being obstructed by a permanent physical obstruction within 3m of the window.

Environmental Health (Pollution) - No objection

Highways -

- o The development is for 2 two bedroom units. As there is a correlation of car ownership and type of dwelling people reside, this suggests that not all occupiers will own car(s). Furthermore I am of the opinion that the development would not have a significant impact on the parking in the surrounding road network. Therefore I raise no objection to the proposal.
- o The applicant should provide 2 cycle parking spaces within the site's curtilage for the occupiers of the development.

Thames Water - no objection

Drainage - no comment

Waste Services - no comments received

Planning Considerations

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 Density and Design
- T3 Parking
- T18 Road Safety

London Plan

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.21 Trees and Woodland
- 8.3 Community Infrastructure Levy

The Mayor's Housing Supplementary Planning Guidance

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

Planning History

Under planning application ref. DC/10/01670 planning permission was granted for

"Conversion of existing basement storage area into 2 two bedroom flats and installation of new windows and doors to the rear and side elevation. Formation of new storage cellar/communal store room /bicycle and bin store (at No. 1-8 St Clare Court)".

This application is similar to that approved under DC/10/00880. The internal layout was varied to create a central hallway and the layout of the flats was varied on the advice of the Council's Fire Officer that there was inadequate means of escape.

Under planning application reference:- DC/10/00880/AMD an amendment to the internal layouts and replacement of entrance doors to flats A & B (with integral windows) with kitchen windows was refused (at No.1-8 St.Clare Court).

Under planning application reference:- DC/10/00880 planning permission was granted for the conversion of the existing basement storage area into 2 bedroom flats and installation of new windows and doors to rear and side elevation.

Formation of new storage cellar/communal store room/bicycle and bin store (at No.1- 8 St. Clare Court).

Conclusions

The primary issues in the assessment of this planning application are:

- o Principle of development
- o The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality
- o The quality of living conditions for future occupiers
- o Impact on the amenity of neighbouring residents
- o Highways and traffic issues

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

Principle of Development

The National Planning Policy Framework (NPPF) promotes the efficient and sustainable use of land for housing. Policy H7 of the UDP outlines the criteria that applications for new housing must meet. It requires the site layout, buildings and level of amenity space to be in keeping with the surrounding area. The Council will therefore resist proposals that would undermine local character or that would be likely to result in detriment to existing residential amenities.

Bromley's Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

The site is located within a predominantly residential area where the Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

The provision of an additional dwelling by converting the existing basement needs to be considered subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Planning permission was granted at the neighbouring court for a basement extension under planning application reference: DC/10/01670.

The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality

The property is located on Foxgrove Avenue, Beckenham where there are a wide variety of differently designed large detached properties, and blocks of flats as in this case. Consistent character is, however, achieved through similar separation spaces, dwelling footprint and plot widths. The Foxgrove Avenue Area of Special Residential Character states that the area is in the main inter/post war with spacious rear gardens. The blocks of flats along this part of Foxgrove Avenue are all of a similar style and appearance.

The eleven flats located within the three blocks were constructed during the 1930's and the basement areas below flats 1-8 & 9-10 were originally used for the storage of coal and now forms part of a large storage area for residents of these flats.

The proposed changes will require both internal and external changes on the flank and rear elevations with windows and bi-folding doors to the rear to provide adequate means of escape in the event of a fire. A new entrance door is proposed together with larger windows on the north-east flank elevation.

The privacy of the residents of Flat 8a, the basement of Block 5-8, will be impacted by the proposal. There will be a front door and two sets of windows in the proposed conversion which will overlook Flat 8a.

The quality of living conditions for future occupiers

Policy 3.5 of the London Plan states the minimum internal floorspace required for residential units on the basis of the occupancy that could be reasonably expected within each unit. The floorspace of the proposed unit varies in size depending on the useable height area (owing to the sloping heaves height).

Table 3.3 of the London Plan requires a Gross Internal Area of 61sqm for two bedroom, three person apartment. With regard to the above it appears that the size of the flat complies with the minimum space standards (measuring approximately 70.98sqm) contained in the London Plan.

Comments received from the Council's Environmental Health department, outline that the rooms would have inadequate ventilation and natural light, a permanent physical obstruction within 3m of the window serving Bedrooms 2 and Bedroom 1 has an inadequate outlook.

Residential Amenity and Impact on Adjoining Properties

The proposed conversion of the basement will have some impact on the amenities of neighbours below and in adjacent properties through noise and disturbance. Several neighbours have stated that the building of the basement flat at No.1-8 allowed in 2010 caused lots of noise, dirt, dust and debris.

Highways

The site is within a low (1a) PTAL area. No additional parking has been provided as part of the application and the Highways Officer is of the opinion that the development would not have a significant impact on the parking in the surrounding road network. Two cycle spaces have been asked for within the site's curtilage for the occupiers of the development.

Several of the neighbouring residents have complained that there is no off-street parking and that there is already inadequate parking in the road with evenings and weekends being particularly troublesome. They maintain that to add another dwelling would generate additional traffic. Residents have also stated that there is no useable space to erect cycle storage racks.

Summary

In summary, while the general principle of a conversion may not be considered inherently out of character given the Council's decision to grant planning permission for a basement conversion at No.1-8 St Clare Court. However, the proposal fails to provide adequate natural light and ventilation to the property therefore contrary to strategic policies in the London Plan and relevant design and housing policies within the UDP.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/15/01235 & DC/00880 00503 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

1. The proposed windows within the bedrooms of the proposed basement flat do not provide a reasonable view or outlook and the kitchen and bathroom do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan.