

SECTION '2' – Applications meriting special consideration

Application No : 15/01541/FULL1

Ward:
Copers Cope

Address : 32 Church Avenue Beckenham BR3 1DT

OS Grid Ref: E: 537344 N: 169598

Applicant : Mr Lennie OConnor

Objections : YES

Description of Development:

New dwellinghouse to the rear of No.32 Church Road

Key designations:

Areas of Archeological Significance
Biggin Hill Safeguarding Birds
Biggin Hill Safeguarding Area
Flood Zone 2
London City Airport Safeguarding
London City Airport Safeguarding Birds
Locally Listed Building
Smoke Control SCA 12

Proposal

Planning permission is sought to erect a two storey three bedroom detached dwelling at the land rear of No.32 Church Avenue, Beckenham, set to the rear of No's 32-38 Church Avenue. The proposal is contemporary in design and would feature brickwork/lime mortar joints and vertical articulated timber cladding. The ground floor would comprise an open plan kitchen/diner, living room, playroom and garden room. Upstairs there are three bedrooms (one with an en-suite shower room) and the main family bathroom.

The application has been submitted with the following documents:

- Planning Statement
- Design & Access Statement
- Flood Risk Assessment
- Ecological Assessment
- Arboricultural Impact Assessment

The application also includes proposed site sectional drawings & photo montages which shows the proposed house in relation to the properties in Church Avenue and the permitted flattened scheme on an adjacent site.

Location

The application site is accessed via a shared access road which runs between No.32 and 34. The application site is adjacent to Urban Open Space (but does not itself form part of the designated land), is a site of Archaeological Significance and is also site within Flood Zone 2. The site is covered by TPO 740, it is a woodland order and covers a wide area to the rear of Church Avenue and The Drive, Beckenham.

Consultations

Nearby owners/occupiers were notified of the application and letters of support and objection were received, the comments are summarised as follows:

Support

- Great design & eco friendly
- Would give a secure buffer between the new flats and the properties on Church Avenue
- Innovative and creative design
- Minimal negative effect to the neighbours as cannot be seen from the street
- Will make a wonderful family home
- The design would fit in perfectly with the surroundings
- Makes a great use of the space
- The revision of the building to a one storey house above ground level is highly sympathetic
- The revised location of the garage additionally improves the outlook for the neighbouring properties by providing greater privacy Impressive proposal, I do not see how planning could be refused when blocks of flats have been built in a nearby plot
- It would be great if Bromley Council could support this development
- Would be a huge improvement to the local area

Objection

- Would be a cramped development
- Two previous applications have been refused and two appeals dismissed, this application should also be refused
- The scale of the development is still inappropriate
- The noise, fumes and disturbance from additional traffic will impact on the gardens of the adjoining neighbours
- It's an odd design principle to hide the house in the hill in this way
- The garden area for No.32 will be significantly shorter
- The applicant has destroyed a once loved area in pursuit of developing his land
- The land should be returned to a woodland. A planning application to fell trees on the site was part allowed and dismissed. The trees are of great concern.

- Out of keeping with the surrounding area. The development would be harmful to the general area's woodland character
- Difficult to see how a building can be constructed on the site with JCB's and cement able to access the site
- If the application is allowed it would set a dangerous precedent
- No.30 has a right of way across the driveway to access its garage, no formal consultation has taken place about this
- The proposed development does not provide adequate servicing of the site
- It is of great concern that the Monk's seat, which is of local historic importance is no longer visible in the garden
- The ecology report was conducted during the winter and is therefore inadequate The ecology report shows little consideration for wildlife.
- The development would be located 2m from the L&Q development
- The applicant has not publicised the application properly
- The site layout and orientation does not reflect the characteristics of the area
- There would be noise and disturbance and loss of amenity
- There is insufficient access for fire fighting appliances
- The area is a habitat for wildlife and protected trees would be damaged for the building
- The proposed house is out of architectural character and design with surrounding properties.

Detailed copies of all the letters of support and objection can be found on the file. The applicant carried out several consultation events and invited neighbours along to view plans for the proposed development. Some letter of support have been received from residents that do not live in the immediate vicinity.

Comments from Consultees

Trees & Landscaping - The site is covered by TPO 740 which is a woodland order covering a wide area to the rear of Church Avenue and The Drive. I have no objections to the proposal as outlined within the application, subject to the full implementation of Tree protection measures as described with the applicants arboricultural report and tree protection plan.

Highways - The proposal is accessed via a narrow access road approximately 2.8m wide leading to 2 car parking spaces which is acceptable in principle. There would clearly be an increase in private car traffic along the access but it is considered the likely scale of the increase in the use of the access itself would not result in harm.

However given the distance of the site from highway boundary and width of the access road, emergency/ service/ refuse vehicles would have difficulty servicing the site. The views of the emergency services and Waste Management team should be sought.

Environmental Health (Housing) - The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act

and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Environmental Health (Pollution) - No objection is raised in principle, however, as the site lies within an Air Quality Management Area (AQMA) a condition relating to gas boiler emissions is suggested should permission be granted.

Drainage - Please note that the site is in Flood Zone3, therefore the EA need to be consulted. The site is in close proximity to the River Beck, so Flood Defence Consent may be needed from the EA. We are pleased to see that Green Roofs are being incorporated on the top of the roofs, we still would like to see other sud measures being considered.

Thames Water - On the basis of the information provided, Thames Water advise that there is no objection to the proposal. A condition relating to water pressure is advised should permission be granted.

Cleansing - No comments were received.

Environment Agency-

The development should be carried out in accordance with the approved Flood Risk Assessment (FRA) by Sustainable Homes and Gardens Ltd dated 17 February 2015.

The applicant should ensure that the flood resilient construction measures detailed on page 16 of the FRA are incorporated in the development.

The site is situated within Flood Zone 2 and is considered to be at medium flood risk. The proposed development is considered 'more vulnerable'.

Please note that the FRA states the site should be classed as Flood Zone 1, we would highlight that although it may be outside current modelled extents the flood zone categorisation takes into account historical flood events when assigning flood zones. This area in particular was subject to flooding in September 1968. It is because of this that the site is classified as flood zone 2.

As recommended within the FRA, residents should register with the Environment Agency's flood warning service, 'FloodLine', so that they may prepare themselves in case of a flood event. This can be done by calling 0845 988 1188 to register. We note the proposed flood evacuation plans and support safe dry access and egress to the site in a flood event. Any plans should be submitted to the LPA's Emergency Planning Department (EPD) for their suitability.

Please note that 'The Beck' which is designated as main river is situated to the rear of the property. The applicant should ensure that 8 metres is maintained between any works and the watercourse. The applicant should also ensure that that appropriate pollution prevention measures are applied during the works to ensure no pollution to the watercourse.

Informative Under the jurisdiction of the Environment Agency for its land drainage functions as stated within Water Resources Act 1991 and associated byelaws. Any works in, over, under or within eight metres of the top of bank will require consent from ourselves

Planning Considerations

The main UDP policies that are relevant for this application are as follows:

- o Policy BE1- Design of New Development
- o Policy H1 - Housing Supply
- o Policy H7 - Housing Density and Design
- o Policy H9 - Side Space
- o Policy NE3 - Nature Conservation and Development
- o Policy NE7- Development and Trees
- o Policy NE8 - Conservation and Management of Trees and Woodlands
- o Policy T3- Parking
- o Policy T18- Road Safety

London Plan policies

- o 3.3 Increasing housing supply
- o 3.4 Optimising housing potential
- o 3.5 Quality and design of housing developments
- o 3.8 Housing choice
- o 3.9 Mixed and balanced communities
- o 5.3 Sustainable Design and Construction
- o 5.12 Flood Risk Management
- o 5.13 Sustainable Drainage

The above policies are considered to be consistent with the principles and objectives of the National Planning Policy Framework which is a key consideration in the determination of this application.

Section 6 of the NPPF (Paragraph 53) states: "local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area."

Section 7 of the NPPF (Paragraph 56) states the Government attaches a great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraph 64 of the NPPF adds that: "permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

Planning History

In 2013 under application ref: 13/01526/FULL1 a proposal for the development to create a new 3 bedroom house on land behind 32 Church Avenue, Beckenham was refused by Members for the following reasons:

"The proposal, by reason of its size and siting, would constitute an inappropriate form of backland development within a protected woodland, thereby contrary to Policies BE1, H7 and NE7 of the Unitary Development Plan."

"The proposed development does not provide adequate servicing of the site by all vehicles including service and emergency vehicles, contrary to Policy T17 of the Unitary Development Plan".

The Planning Inspectorate upheld the decision of the Council at an appeal hearing in January 2014.

In 2012 under application ref: 12/01303/FULL1 a proposal for the erection of a detached two storey four bedroom house with associated car parking and refuse and replacement garage for No. 30 at land rear of 32 Church Avenue was refused by Members for the following reasons:

"The proposal, by reason of its size and siting, would constitute an inappropriate form of backland development within a protected woodland, thereby contrary to Policies BE1, H7 and NE8 of the Unitary Development Plan.

The proposed development does not provide adequate servicing of the site, contrary to Policy T17 of the Unitary Development Plan".

The Planning Inspectorate upheld the decision of the Council at an appeal hearing in December 2012.

No.32 Church Avenue benefits from a loft extension (ref. 07/04004), a single storey rear extension (ref. 07/04304) and a raised deck and balustrade at the rear (ref. 10/02505).

Members will also recall that there is a long planning history to the adjacent site (Land Rear of 86 to 94 High Street Beckenham). The cases of most relevance are DC/11/01168, which permitted the extension of time for implementation of 04/02976 which was granted on appeal for a total of 38 flats, and DC/11/02100/FULL1 where a scheme for 44 flats was allowed by the Planning Inspectorate at appeal in July 2012.

Conclusions

The key issues in this case are:

- o Previous schemes
- o The principle of the redevelopment of the site
- o Design siting and layout
- o The impact on the amenity of neighbouring residents
- o The impact to the trees on the site
- o The impact on the public highway in terms of the alterations to the highway to form access to the development.
- o Flood Risk

Previous schemes

Regard must be had for the extent to which the grounds of refusal for the previous applications (ref: 13/01526 & ref: 12/01303/FULL1) - two decision's subsequently upheld at appeal - and whether the reasons have been addressed as part of this revised proposal.

Planning permission is sought once again for one new detached dwelling with integral garage. The design of the house is now L-shaped and is substantially different in terms of design from the previous scheme so that the house is now sunken into the hillside with a green roof. A double garage now lies at the end of the driveway and lies next door to the sliding front door. A landscaping scheme has been put forward including replacement tree planting.

Principle of the development

Housing is a priority use for all London boroughs and the Development Plan welcomes the provision of small scale infill development in areas of stability and managed change 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. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Paragraph 8 of the 2014 Inspector's decision letter states "it would be in a sustainable location, close to local amenities and subject to compliance with the above considerations, even though the appeal site is covered by a TPO, I find residential development of this type proposed could be acceptable". The Inspector goes on in paragraph 9 to state "however, the proposed footprint, together with the hardsurfacing would span the full width of the northern end of the appeal site. It would appear cramped and have an urban feel. In addition, it would have limited space for planting."

The site is located adjacent to a recently completed residential scheme. In this location 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. Members may consider given the design changes to the scheme that the provision of an additional dwelling on the land is acceptable in principle.

Design, Siting and Layout

Policy H7 of the UDP sets out criteria to assess whether new housing developments is appropriate 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, community safety and refuse arrangements. Paragraph 4.39 of the UDP, one of the explanatory paragraphs to Policy H7, states "many residential areas are characterised by spacious rear gardens and well separated buildings". The Council will therefore resist proposals which would tend to undermine the character or which would be likely to result in detriment to the existing residential amenities.

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 design of the proposed new dwelling is wholly modern and comprises a green roof and integral garage. When compared in the context of the adjoining recently built L&Q development the proposed new development could be considered as being in-keeping with the character of the area and when viewed from the existing alleyway the height is relatively modest at 3m. The ground floor occupies a garden room, playroom, downstairs bathroom a kitchen/diner and a lounge. The first floor would provide the entrance level to the property via a sliding gate. The front door would open onto the entrance hall with adjacent study and have direct access to the terrace area. Three bedrooms, bathroom and an en-suite are provided on the upper level which will lead out onto a balcony area. Beyond this lies a garden and terrace area.

The proposed development would span the entire width of the site, with less than the minimum side space required to the flank boundaries, which would be contrary to Policy H9 (side space) of the UDP. The agent has provided proposed images of how the new house would look in the context of the immediate vicinity and the photos illustrate the scale and mass of the building. Plate 2 illustrates that a section of the rear garden of No.32 would be lost to accommodate the new garage.

Impact to neighbours

With regards to the impact of the proposal upon the residential amenities of the adjacent properties, the proposed dwelling has been designed to minimise overlooking. The windows from the bedrooms and kitchen/diner and lounge will look out onto the lower garden and to this degree these rooms will not cause any overlooking and privacy will be maintained. There will however be a degree of overlooking and loss of privacy to the proposed garden room/playroom and study where the orientation looks towards the balconies on the south western elevation of the L&Q development. The bulk of the proposed house has been positioned behind the existing garage of No.30 Church Avenue, and the site sits lower than surrounding properties, which does mitigate its visual impact to some degree. Residents living along Church Avenue will be able to see the proposed development from the rear of their properties however because of the way the property has been designed (to appear single storey, with a sunken ground level) residents will see a dwelling with a garage and green roof.

At paragraph 18 of the previous Inspector's decision letter he concluded that the proposal would have an unacceptable affect the living conditions of the occupiers of No.30 Church Avenue with regard to outlook and noise and disturbance. Members will need to consider if the changes to the design and landscaping mitigation measures would adequately screen the new dwelling from the views of nearby residents, particularly No.30 and the new occupiers of the nearby L&Q development.

Trees

An Arboricultural Impact Report accompanies the application. All the onsite trees are subject to a Tree Preservation Order 1991 No.740 as a woodland order. The development results in the removal of several low quality trees which will be replaced. All other trees will be retained. New landscaping, planting and screening is proposed to minimise visual impacts to adjoining residents in particular located in the L&Q development next door. The Tree Officer raises no objections to removal of the two trees on site.

Access to the site

Access to the site is via the existing driveway between No.'s 32 & 34 Church Avenue. A new double garage is provided as part of the proposals with cycle storage and an integrated bin store. Concern was previously raised that the driveway could not be accessed by emergency vehicles in the case of a fire. The applicant has implemented a sprinkler system to overcome the need for fire engine access.

The Highways Officer raises no objections to the principle of the scheme and considered that the increase in traffic to the site would not result in harm.

A new integral garage is proposed which can accommodate two cars as opposed to a car desk that was proposed as part of the previous scheme.

Flood Risk

A Flood Risk Assessment was submitted as part of the application, it recommended the following:-

- The lower ground floor be tanked to a minimum of 33.50m (AOD)
- There should be no sleeping accommodation on the garden (lower level)
- Flood resilient construction techniques be considered in the detailed design of the Garden (lower) floor level
- A green roof be installed
- A SUDs scheme be considered
- The drainage system designed to manage a 1 in 100 year flood event
- Future occupants be advised to sign up for EA flood warnings

The Environment Agency were consulted as part of the consultation process. The Environment Agency stated that the applicant should ensure that the flood resilient construction measures detailed on page 16 of the FRA are incorporated in the development. No objections were raised to the principle of the development in this location.

Summary

Members need to consider if the provision of a new dwelling in this location would conflict with Policies BE1 and H7, resulting in a detrimental impact to the character of the area. The development does not comply with the Council's side space policy to maintain a 1m side space to flank elevations. Members will need to judge if the design changes are considered sufficient to make the development acceptable or whether the proposed development would still constitute an inappropriate form of backland development; resulting in a significant impact on the general amenities of local residents, and have a harmful impact on the character of the area.

With regards to the impact of the proposal upon the residential amenities of the adjacent properties, the proposed dwelling has been designed to minimise overlooking due to its orientation and sunken ground floor level. It may be considered that the impact to properties on Church Avenue is reduced but the new L&Q development may give rise to some loss of privacy and overlooking from several of the balconies. Members may feel that the landscaping scheme put forward by the applicant can mitigate any severe loss of amenity to the permitted flats at land rear of 86 to 94 High Street, Beckenham and the rear of properties in Church Avenue, particularly No.30. The single storey bulk of the proposed house has been positioned behind the existing garage of No.30 Church Avenue, and the

site sits lower than surrounding properties, which does mitigate its visual impact to some degree.

Background papers referred to during production of this report comprise all correspondence on file ref(s). DC/15/01541, DC/13/01526/FULL1 & 12/01303, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

The proposal would be an overdevelopment of the site resulting in the loss of garden land and out of character with the locality thereby detrimental to the visual amenities, appearance and character, contrary to Policies BE1, H7 and H9 of the Unitary Development Plan.