

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 14/04443/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** 87 Oak Tree Gardens Bromley BR1 5BE

**OS Grid Ref:** E: 540986 N: 171589

**Applicant :** PJ Supplies Construction

**Objections :** YES

### **Description of Development:**

Redevelopment of land at rear of Nos. 87-93 Oak Tree Gardens to include demolition of Nos. 89 and 91 and erection of eight 2 1/2 storey, 4 bedroom houses comprising two terraces of 3 houses, one pair of semi detached houses and one detached single garage; associated access, parking, landscaping, cycle storage, refuse and recycling provision.

Key designations:

Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
Local Cycle Network  
Flood Zone 2  
Flood Zone 3  
London City Airport Safeguarding  
London City Airport Safeguarding Birds

### **Proposal**

The application proposes the demolition of Nos. 89 and 91 Oak Tree Gardens in order to provide access to the rear to a formed backland development site upon which 2 terraces of 3 dwellings and 1 pair of semi-detached dwellings would be built.

The dwellings would be arranged with the 2 terraces of 3 dwellings being sited towards the rear of the site, facing each other and broadly perpendicular to the western boundary of the site with the adjacent railway land. The pair of semi-detached dwellings would align with the front and rear elevations of the northern terrace and would be sited approx. 2.4m from the boundary with the rear garden of No. 95 Oak Tree Gardens and 3.98m from the boundary with the retained rear garden of No. 93 (which would range from 11.5m long to 14.7m long).

The terrace comprising dwellings 1-3 would be sited approx. 2.89m from the western boundary and rear gardens would range in depth from 9.5m deep to 8.5m deep, although as a result of the sloping site, a 2m high retaining wall would be constructed approx. 3.25m from the rear elevation of the terrace, with a grassed garden area towards the rear accessed via steps, upon which a shed for each

dwelling would be sited. A side space of 2m would be retained between the terrace and the proposed adjacent pair of semi-detached houses.

The terrace comprising dwellings 6 - 8 would be sited a minimum of approx. 2.57m from the western boundary of the site with the eastern elevation of the terrace lying 1m from the boundary with the severed rear garden of No. 87 Oak Tree Gardens, which would be approx. 15.25m long. The rear gardens for the terrace would be of similar arrangement as the northern terrace in addressing the change in site levels by providing a terrace with retaining wall and a grassed area with a shed towards the rear. The garden depths would range from max. 10.14m deep to 9.2m deep.

All of the proposed dwellings would be approx. 8.75m high to the mock ridge/flat roof and approx. 5.75m to eaves height. The dwellings would incorporate rear dormers set within the rear roof slope.

The dwellings would be tile hung at first floor level with facing brick below. Close-boarded timber fencing would be erected around the site and adjacent to the access road. Retaining walls are proposed to address the sloping topography of the site/

Each dwelling would have 2 forecourt parking spaces, with the exception of House 1, which would have 1 car parking space and House 5 which would be provided with 1 forecourt space and an attached garage.

The car parking spaces and the site itself would be accessed via a driveway which would be approx. 6m wide and which would be sited on the outside of the right angled bend in Oak Tree Gardens. A turning area would be provided adjacent to proposed dwelling No. 8, and 5 additional car parking spaces would be constructed between the turning area and the driveway, adjacent to the flank boundary of No. 87 Oak Tree Gardens.

In addition to the proposed dwellings, a detached garage for the existing dwelling at No.87 would be provided between the flank elevation of the dwelling and the newly formed side boundary with the parking area and access road.

## Location

Oak Tree Gardens forms part of a larger post-war suburban residential estate. Dwellings in the locality are similar in style and form, and within Oak Tree Gardens there is an appreciable uniformity in the layout of dwellings, with a consistent pattern of development characterised in the main by modest dwellings set within long but reasonably narrow plots incorporating substantially deep rear gardens beyond which lie detached residential garages accessed by a rear access way.

The dwellings located close to the corner of Oak Tree Gardens and Portland Road are semi-detached, with a total of 12 pairs of dwellings, beyond which to the south and east of the corner dwellings, houses are generally arranged in terraces of 4 dwellings. The streets are reasonably wide and trees lined, and have a spacious character, particularly around the bend in the street. At this point, the arrangement of dwellings set slightly further back from the roadway than on the straight sections

of the streets and at an angle to each other contributes to the perception of space between and about development and allows views between houses to the rear.

Nos. 89 and 91 lie on the outside corner of the right-angle bend where Oak Tree Gardens and Portland Road meet. These dwellings benefit from very generous rear gardens which unlike the dwellings arranged on the straight stretches of the street are fan shaped as a result of the arrangement of the dwellings around the bend. A number of trees have been felled at the rear of the existing residential gardens and the railway embankment can be seen at a higher level than the adjacent garden land.

The backland site would be formed from the entirety of the sites of Nos. 89 and 91, and the severed rear gardens of Nos. 87 and 93 Oak Tree Gardens. The site slopes up from the front to the rear to the point where it meets the adjacent railway land.

The applicant's agent has stated that the site lies approx. 49m from the Quaggy river culvert and the site is not shown as lying within a flood zone, albeit it is reasonably close by. The Quaggy river runs through the adjacent Chinbrook Meadows before being sent underground in the culvert, passing close by Nos. 11 and 13 Portland Road.

## **Consultations**

### Comments from Local Residents

A significant number of letters were received from local residents in response to the Council's initial notification, and further letters were received following the submission of revised plans amending the proposals, including correspondence from the Links Estate Residents' Association. One letter of support was received, which stated that the proposals would represent an improvement over the existing situation.

The remaining letters objected to the proposals and the concerns raised may be summarised as follows:

- The proposals would increase traffic in the road and the corner is already hazardous with difficult sightlines worsened by cars parking on either side of the road
- Increased risk of flooding as Oak Tree Gardens sits on a gradient and has flooded in the past. The removal of trees and development of the land will exacerbate this problem
- Overdevelopment of the site, demonstrated by the loss of land from residential gardens
- It is a quiet and peaceful road and the proposal would have a negative impact on the character of the neighbourhood
- Loss of privacy to rear gardens as the dwellings are set at a right angle to the remaining gardens and the proposals are 2.5 storeys high

- Concerns relating to the implementation of the development, in terms of construction noise and traffic
- Would set a precedent for future developments
- Loss of wildlife habitats
- Increased pressure on parking and sewerage
- The site lies close to the Quaggy River and there have been recent flood warnings.
- The land is adjacent to Metropolitan Open Land
- The development is backland development
- The dwellings would be out of character with the 1930s feel of the area
- Trees have already been removed, spoiling the natural woodland and exposing neighbouring gardens and the railway line
- Contrary to para 58 of the NPPF as the development is contrary to local character and history and doesn't reflect local surroundings or materials
- The developer directed the removal of mature trees before submitting the application
- The rear access to the garages gets very wet and muddy during the winter
- The widening of the access will make the traffic and road safety situation worse as it will encourage faster speeds for drivers accessing and leaving the site
- The dwellings would be visible as a result of the upwardly sloping site and while dwellings at street level may have had loft conversions, they are set at a lower level than the houses would be

#### Comments from Consultees

##### Highways

The site is located in an area with a very low PTAL rate and the proposal now includes provision for 1.5 parking spaces per dwelling. A total of 20 spaces are proposed including parking for visitors and 2 spaces for No. 87.

A swept path analysis shown in the revised drawing is considered satisfactory and no objections are raised subject to conditions.

##### Environmental Health

No objections are raised to the proposal from an Environmental Health perspective.

##### Network Rail

It is recommended that prior to the commencement of development the developer should contact the Asset Protection Kent team and signs up to an Asset Protection Agreement to enable Network Rail to review the development's design and construction.

Further information and guidance has been provided regarding the relationship between development and the railway infrastructure and including advice regarding

railway noise and development. The potential for any noise/vibration impact must be assessed in the context of the NPPF.

## Environment Agency

The application has been assessed as having a low environmental risk and therefore there are no comments.

## Drainage

There are public sewers crossing or close to the development and therefore approval should be sought from Thames Water where any building would be over the line of or within 3m of a public sewer.

There are no objections with regards to sewerage or water infrastructure capacities.

## **Planning Considerations**

BE1 Design of New Development

H1 Housing Supply

H7 Housing Density and Design

H8 Residential Extensions

H9 Side Space

NE7 Development and Trees

T3 Parking

T7 Cyclists

T8 Other Road users

T18 Road Safety

SPG1 General Design Principles

SPG2 Residential Design Guidance

London Plan:

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

5.3 Sustainable Design and Construction

5.13 Sustainable Drainage

6.9 Cycling

6.13 Parking

7.2 An Inclusive Environment

7.3 Designing out crime

7.4 Local Character

7.6 Architecture

Mayor of London's Housing Supplementary Planning Guidance

The NPPF 2012

Planning History

There is no relevant planning history on the site to report.

## **Conclusions**

An appeal has been submitted on the grounds of the non-determination of the application within the statutory timeframe. It is therefore necessary for Members to consider whether to contest the appeal, and if so, on what planning grounds.

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

Many residential properties and localities in the Borough are characterised by spacious rear gardens and well-separated buildings and policy H7 of the UDP states that proposals which would undermine this character will generally be resisted. However, such development may be acceptable provided it is small-scale and sensitive to the surrounding residential area. Lower residential densities will usually be required and there should be adequate access.

The applicant has argued that the scheme is sustainable and would utilise previously developed land with good access and space standards. The residential density of the development would equate to 213 habitable rooms per hectare and 36 units per hectare. The units per hectare calculation is at the lower end of the London Plan guidance while the number of habitable rooms per hectare exceeds the thresholds, as set out in Table 3.2: Sustainable residential quality (SRQ) of the London Plan. The Council does not consider that the residential gardens would comprise previously developed land, and this approach is in line with the NPPF, the London Plan and the Mayor's Housing SPG, which emphasises in para. 1.2.18 the important roles that gardens can play, including in respect of the definition of local context and character.

It is considered that the development would represent an overdevelopment of the site, out of keeping with the character of the locality. Specifically, the proposed development would leave the existing properties on either side of the demolished pair with significantly reduced rear garden depths, far below the existing spatial standards of the site and those in the vicinity. The proposed dwellings would also possess significantly less external amenity space than is generally characteristic of the area.

In terms of the arrangement of the dwellings in isolation from consideration of their setting, the house-type and mix of terraces and semi-detached dwellings would not be out of character in principle with the existing residential area. Terraces and semi-detached houses are typical of the suburban residential built form in the locality. However, the character of an area is as much informed by the space about buildings and the setting of development as the basic choice of housing type, and it is in this respect that Members may consider the proposals unsatisfactory.

Firstly, the site itself would be formed partly from the severed rear gardens of adjacent dwellings. While the existing lengths of these gardens are deeper

adjacent to the demolished pair of semi-detached dwellings, where the gardens adjoin those of the neighbouring dwellings set on the straight sections of the streets, away from the corner, their current proportions are not uncharacteristically deep. The development would result in the existing gardens being significantly reduced in depth. These retained gardens would be deeper than those of the proposed dwellings, but would not reflect the prevailing pattern of development in the locality, where gardens are generally reasonably uniformly deep. In this respect Members may consider that the proposals would fail to have sufficient regard for the distinctive character of the surrounding residential area.

Similarly, while the proposed gardens serving the application dwellings would broadly conform to the 10m rear garden depth that may be considered a reasonable minimum standard for dwelling houses, the retention of space to the rear of the dwellings would contrast unfavourably with the pattern of development in the locality and would tend to undermine the spacious character of the area. As such, the proposals would appear as a cramped overdevelopment of the site.

The proportion of the site covered by buildings and hard surfaces would be disproportionate in contrast with the pattern of development in the locality, with limited opportunity for soft landscaping in front of the dwellings and adjacent to the access to soften the appearance of the development and to provide an attractive setting for the development. The setting of the development in the sloping site would necessitate the construction of substantial retaining walls which would truncate the proposed rear gardens and would increase the cramped appearance of the dwellings and their residential plots.

The proposed dwellings would be higher than the existing estate dwellings, and would incorporate significant accommodation within the second floor roof space. This would be achieved through the design of the roof to accommodate steeply sloping pitches arranged around a substantial flat roofed area. As a consequence, the massing of the roofs would appear disproportionately bulky. The impression of bulk would tend to emphasise the cramped appearance of the backland development and the perceived overdevelopment of the site.

The applicant has suggested that the granting of planning permission on appeal (APP/G5180/A/11/2145203) for a development at 12-16 Leamington Close provides an example of similar development being acceptable within the locality, stating that that site and the application site are strikingly similar.

Notwithstanding the principle that each case should be considered on its merits, the other nearby site is not considered to provide a persuasive precedent for the current proposal. In the case of the Leamington Close development, the Inspector noted the position of the site, which lies on an off-shoot from a residential cul-de-sac, with the host dwellings themselves arranged in a backland location around a banjo-shaped turning circle. It is considered that that proposal was supported by the existing backland location of the dwellings which were demolished in order to provide the rear access. The remaining dwellings were positioned in such a manner as to punctuate the new vehicular and pedestrian access and the new dwellings were positioned within the site to broadly face the new banjo-shaped turning area. As such, the new development responded to the pattern and rhythm

of the original street layout. This is not considered to apply to the proposed development which may be considered to introduce backland development into a consistently and uniformly laid out residential street, with the proposed dwellings being poorly related in terms of orientation and siting to the adjacent street.

Furthermore, the garden depths provided for the new dwellings were broadly similar to those of the remaining main cul-de-sac houses and those retained within the off-shoot. In the case of the application proposal, the gardens proposed for the dwellings fall significantly short of the prevailing character of the street.

Members may consider that the orientation of the dwellings in relation to the rearmost parts of adjacent gardens and open space would limit the potential impact of the proposals on the privacy of neighbouring dwellings to an extent. Flank facing windows would be capable of being obscure-glazed. However, it should be noted that the rear facing dormers at Plots 6-8 would overlook the rear half of the garden at No. 85 Oak Tree Gardens and it is necessary to carefully consider whether this loss of privacy would be significantly adverse. Furthermore, while views from the proposed development may be obscured to an extent, the views which surrounding residents currently enjoy would be altered from open gardens to an intensive development with dwellings of substantial scale and bulk. Having regard to the level of amenity that local residents currently enjoy and might reasonably expect to continue to enjoy, the development proposed would detract significantly from the amenities of the occupiers of surrounding dwellings, particularly those retained with severed rear gardens.

The impact of the proposal on residential amenity would not be limited to an impact on outlook and privacy, but it is also necessary to consider the siting of the vehicular access road in relation to the semi-detached dwellings which lie on either side of the proposed access. Where these dwellings currently enjoy a reasonable level of peace and quiet, sited as they are adjacent to the pair of semi-detached dwellings it is proposed to demolish, the proposals would introduce the comings and goings of vehicles associated with the development in reasonably close proximity to the retained dwellings. In the case of No. 93, the access road would be sited approx. 1.5m from the flank elevation of the dwelling, and would run for the full depth of the retained reduced depth garden, with the driveway to dwelling No. 5 lying at the rear of the garden. A narrow 0.5m grass strip between the road and the boundary would provide little opportunity for soft landscaping, planting or other measures that might provide a barrier from noise and disturbance associated with the development.

The other retained semi-detached dwelling would be more satisfactorily capable of being shielded from the noise and other impacts of the development as a consequence of the provision of a more generous separation, although the proposed turning area would be sited approx. 3.5m from the flank boundary with the truncated rear garden, and 5 car parking spaces would be sited adjacent to the boundary with the detached garage associated with No.87.

While the proposed side separation distances across the site would comply with the requirements of Policy H9 of the UDP and the proposed dwellings would have access to private amenity space, in terms of the relationship between the proposed backland dwellings and the street-facing existing dwellings, the proposal would

represent a cramped overdevelopment of the site, which would be harmful to the amenities of surrounding residential properties and detrimental to the character of the area.

In terms of access and parking, no objections have been raised in respect of the revised proposals, which included the widening of the access and an increase in the number of parking spaces to 1.5 spaces per dwelling. The swept path analysis submitted with the revised drawings is considered satisfactory and Members may consider that subject to appropriate conditions to safeguard the parking and access elements of the proposal, this aspect would be acceptable and would not have a significant detrimental effect on road safety.

Neighbouring residents have raised significant concerns regarding the impact of the development on flooding and drainage, and these concerns relate to material planning considerations. However, no objections have been received from Thames Water in respect of water or sewerage infrastructure capacity, and the Environment Agency has stated that the development has low environmental risk. In the absence of technical objections from either party Members may consider that the impact of the proposals on flooding and drainage infrastructure would be acceptable.

Having had regard to the above it is considered that the scale, form and layout of the development would result in a cramped overdevelopment of the site, harmful to the visual amenities and character of the area and would result in a significant loss of amenity to local residents.

While it is acknowledged that the proposal would provide additional housing units towards meeting the supply of new dwellings in the Borough, it is not considered that this aspect of the proposal would outweigh the significant harms identified above.

#### RECOMMENDATION: RESOLVE TO CONTEST APPEAL

Grounds for contesting the Appeal are as follows:

- 1 The proposal by reason of its layout, bulk and siting in relation to neighbouring residential dwellings constitutes an unsatisfactory and cramped form of backland development, seriously detrimental to the residential amenities which the occupiers of neighbouring properties might reasonable expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.**
- 2 The proposal, by reason of its bulk, layout and siting, would constitute an unsatisfactory form of backland development, out of character with the pattern of development, quality and distinctiveness of the surrounding area, thereby detrimental to the visual amenities of the area and contrary to Policies BE1 and H7 of**

**the Unitary Development Plan, Policies 3.5 and 7.4 of the London Plan and the National Planning Policy Framework.**