

## **SECTION '4' – Applications recommended for refusal**

**Application No :** 15/02828/FULL1

**Ward:**  
**Shortlands**

**Address :** 93 Hayes Way Beckenham BR3 6RR

**OS Grid Ref:** E: 538894 N: 168265

**Applicant :** Mr Martin Smith

**Objections : YES**

### **Description of Development:**

Construction of one 3 bedroom detached bungalow to the rear of no.93 Hayes Way fronting Hayes Lane

### **Key designations:**

Area of Special Residential Character  
Biggin Hill Safeguarding Birds  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
London City Airport Safeguarding Birds  
London Distributor Roads  
Open Space Deficiency  
Smoke Control SCA 9  
Smoke Control SCA 21

### **Proposal**

The application seeks planning permission for the 'Construction of one 3 bedroom detached bungalow to the rear of no.93 Hayes Way fronting Hayes Lane.'

The submitted block plan indicates that the house will be located 5.5m from the rear boundary of the site to allow for two parking spaces and some soft landscaping at the front, and located a total of 26m from the main rear elevation of the host dwelling, no. 93 Hayes Way. This block plan shows that the site will be severed to allow a 13m rear garden to the new dwelling and a 13m rear garden to the host dwelling at no. 93. The property will be 9.8m in width by 10m in length, with a bay window to the front projecting a further 0.8m forward of the main front elevation. A distance of 0.8m will be retained to both side boundaries. The property will have a hipped roof to all sides with an eaves height of 3.1m and a total height of 6.5m, when scaled from the submitted drawings. Two doors with windows either side serving two of the bedrooms and a window serving the middle bedroom will be located in the rear elevation. A front entrance door and three windows (one large window to serve the living room and two windows to serve the kitchen/diner) are proposed in the front elevation. In the north-western side elevation one door which will serve the kitchen/diner and a small window serving the bathroom are proposed and in the south-eastern side elevation one small window is proposed which will serve the en-suite. In terms of internal layout, it will contain two double bedrooms

(one with an en-suite) and one single bedroom, located to the rear; a living room which includes a front bay window and a kitchen/diner to the front; and a bathroom and cupboard space in the central part of the house. The dwelling would be orientated to face towards Hayes Lane and is shown to utilise the existing dropped kerb on to this highway, which currently serves the existing garage to the rear. The submitted ground floor plan indicates a sliding gate approximately 3.4m wide to allow vehicular access and a smaller pedestrian gate. No elevational drawings have been submitted of the proposed boundary treatment.

## **Location**

The application site is currently comprised of a detached two storey single family dwellinghouse with a long rear garden. Unusually, the rear of the garden borders the footpath and highway of Hayes Lane, which is a busy main road classified as a London Distributor Road. The section of Hayes Way, which runs between Brabourne Rise to the south and Whitecroft Way to the North, is primarily characterised by large detached dwellings with sizeable rear gardens, some of which contain outbuildings and garages at the rear. However, to the rear of no. 99 lies a single storey detached bungalow numbered 90 Hayes Lane which was allowed on appeal in 1972. To the rear of no.'s 55 and 57 lies a single storey detached bungalow numbered 76 Hayes Lane and to the rear of no.'s 47 to 53 lie a pair of two storey semi-detached houses numbered 70 and 72 Hayes Lane. The application site is located within the Park Langley Area of Special Residential Character (ASRC), the border of which lies along the rear boundary line of the site.

## **Comments from Local Residents**

Nearby owners/occupiers were notified of the application and representations were received, including comments from the Park Langley Residents Association (PLRA), which can be summarised as follows:

- o The development is within the ASRC
- o The PLRA consider the proposal to be typical "Backland Development" which policy H17 of the UDP states should be generally resisted particularly within special character areas
- o Loss of garden space which is usually of great importance in providing habitats for wildlife particularly in urban areas.
- o Hayes Lane is usually very busy and exceptionally so during rush hours
- o Development will result in additional traffic hazards and dangers with increased domestic traffic
- o Existing property uses a garage adjacent to Hayes Lane and has no garage fronting Hayes way and no space to build a replacement so the development could result in more on road parking in Hayes Way and leading to increased road congestion.
- o There is little residential housing along this section of Hayes Lane and the proposal would set a precedent
- o The development would reduce the current feel of tranquillity, calm and green open spaces and breathing space in busy suburban environment

- o The Design and Access Statement is misleading in terms of the setting, as there are no longer mature trees as these were felled in June this year. Therefore, there are no boundary trees behind no's 87, 89, 91 and 93.
- o One mature Oak Tree remains on the grass verge behind no. 91 adjacent to the vehicle access which is not shown on the Block Plan
- o The block plan also omits property changes made since the original Ordinance Survey as no's 87 and 89 have permanent buildings at the rear and the two proposed dwellings at no. 91 and 93 just 1.6m apart would represent gross overdevelopment
- o Another attempt to build on backland fronting Hayes Lane which similar attempts have been refused by the Town Planning department and upheld by the Planning Inspectorate
- o Noise and pollution will ruin the environment of young children playing in the neighbouring garden
- o Not in keeping with the area
- o Will make the road look cluttered
- o Similar development in the rear of no. 87 was refused and the decision upheld by the Planning Inspectorate and these reasons given in the Appeal decision should be the same
- o In the era the residences in Hayes Way and Hayes Lane were built, it was normal practice to provide only soak away drainage to the rear and given the wet winters, together with the felling of mature trees and housing in gap sites in the vicinity, flooding is now a serious problem to householders and road users
- o Development is in direct opposition to the statement from the planning committee in 1997-98 for no more housing on Hayes Way side of Hayes Lane from Brabourne Rise to Whitecroft Way
- o No more commuter traffic on Hayes Lane as it is a very busy route
- o Rear windows directly overlook the house and garden of 95 Hayes Way
- o Loss of privacy and overlooking

Any further comments received will be reported verbally at the meeting.

### **Comments from Consultees**

The Council's Highways Engineers have advised the following;  
 "Hayes Lane (B251) is a London Distributor Road, carrying a large volume of traffic. There is already an access from Hayes Lane and the car parking layout allows vehicles to exit onto Hayes Lane in a forward gear. However, the gates indicated on the submitted plan is unsatisfactory; manual closing of a gate at this location on exit would force drivers to the edge of carriageway to get the car clear of the gates, creating an adverse visibility situation. If it is to be electrically operated then the applicant should submit details of the gate and its operation for approval prior to determination of this application.

Should a manual gate form part of the application then this proposal would lead to conditions detrimental safety in the highway and should be refused as being contrary to Policy T18 of the UDP.

However, if the applicant provides sufficient detail of the operation of an electric gate which is to the Council's satisfaction then there would be no objection to the

proposal from the highway point of view subject to Conditions to be advised following consideration of the further information provided".

The Council's Environmental Health Pollution Officer has raised no objection in principle subject to appropriate conditions and informatives in relation to air quality, contamination and noise and pollution.

The Council's Environmental Health Housing Officer has raised the following concerns;

"The plan of the proposed development indicates a glass panel in the internal wall separating the proposed hall and mid rear bedroom. There appears to be no obvious reason for this. The minimum recommended Gross Internal Floor Area (GIA) for one storey (3 bedroom 5 person) residential property is 80 sq m. The GIA for the proposed one storey (3 bedroom 5 person) residential property will be approximately 78 sq m which is below the minimum recommended".

The Council's Drainage Engineer has stated that the site is within the area in which the Environment Agency - Thames Region require restrictions on the rate of discharge of surface water from new development into the River Ravensbourne or its tributaries and as such appropriate conditions and informatives should be imposed on any approval.

Thames Water has raised no objection subject to informatives.

### **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)  
H10 (Areas of Special Residential Character)  
NE7 (Development and trees)  
T1 (Transport Demand)  
T3 (Parking)  
T7 (Cyclists)  
T18 (Road Safety)

Supplementary Planning Guidance 1 General Design Principles  
Supplementary Planning Guidance 2 Residential Design Guidance

London Plan Policies:

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice

Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste self-sufficiency  
Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.21 Contaminated land  
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure  
Policy 6.9 Cycling  
Policy 6.13 Parking  
Policy 7.2 An inclusive environment  
Policy 7.3 Designing out crime  
Policy 7.4 Local character  
Policy 7.6 Architecture  
London Plan Policy 7.14 Improving Air Quality  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

Mayor's Housing Supplementary Planning Guidance (2012)

The National Planning Policy Framework (NPPF) is also a consideration.

## **Planning History**

The history attached to the host dwelling at no. 93 is summarised as follows;

Under ref: 72/03678 planning permission was granted for a 'detached replacement double garage and enlarged vehicular access'.

Under ref: 74/01179 planning permission was granted for a 'detached garage at rear; vehicular access to non-classified road'.

Under ref: 02/00477/FULL1, planning permission was refused for a 'Part one/ two storey side/ rear extension, including side dormer extension'.

Under ref: 02/01600/FULL1, planning permission was granted for a 'Part one/two storey side and rear extension'.

At the rear of no. 93 Hayes Way fronting Hayes Lane, Outline planning permission was refused and dismissed at appeal, under ref: 74/01097, for a 'detached bungalow with garage'.

There is an extensive history of applications for buildings to the rear of the properties along this section of Hayes Way adjacent to Hayes Lane which are considered relevant and have been summarised below;

Rear of 65 Hayes Way, fronting Hayes Lane

Under ref: 72/02116 planning permission was refused for a 'detached chalet bungalow with integral garage'. A further planning application, under ref: 74/01096, was refused and dismissed on appeal for a 'detached bungalow with garage'.

Rear of no. 69 Hayes Way fronting Hayes Lane

Under ref: 74/01100, Outline planning permission was refused and dismissed at appeal for a 'Detached bungalow with garage'.

Rear of no. 75 Hayes Way fronting Hayes Lane

Under ref: 73/01976, Outline planning permission was refused and dismissed at appeal for a 'Detached bungalow with garage'.

Rear of no. 79 Hayes Way fronting Hayes Lane

Under ref: 73/00649, Outline planning permission was refused and dismissed at appeal for 'one detached house with garage'. A further outline planning application at this site for 'one detached bungalow with garage' was refused under ref: 74/00663 and dismissed at appeal.

Rear of no. 85 Hayes Way fronting Hayes Lane

Under ref: 74/01099, Outline planning permission was refused and dismissed at appeal for a 'detached two bedroom bungalow with garage'.

Rear of no. 95 Hayes Way fronting Hayes Lane

Under ref: 74/00450, Outline planning permission was refused and dismissed at appeal for 'one detached bungalow with garage'.

Rear of 101 Hayes way fronting Hayes Lane

Under ref: 73/02003, Outline planning permission was refused and dismissed at appeal for a 'detached 2 bed bungalow and detached garage'.

Application refs: 74/01096 (no. 65), 74/01100 (no. 69), 73/01976 (no. 75), 74/00663 (no. 79), 74/01099 (no. 85), 74/01097 (no. 93), 74/00450 (no. 95), and 73/02003 (no. 101) were all refused for the following reasons;

"(i) The proposal represents the sub-division of an existing curtilage which is undesirable in this location and if repeated in relation to other properties in Hayes Way having an additional frontage onto Hayes Lane would precipitate a retrograde lowering of the standards of amenity, character and quality at present enjoyed in this residential area.

(ii) If permitted, the proposal would set an undesirable pattern of development involving use of additional vehicular points of access to Hayes Lane to the detriment of the free flow of traffic and general safety along this highway."

They were also considered by the Appeal Inspector concurrently under the same appeal decision. The Appeal Inspector acknowledges the development at no's 70, 72 and 76 Hayes Lane are quite different from what was proposed at these 8 sites in that the plots were much larger and occupied frontages formed from the rear gardens of two houses in each case. The Appeal Inspector also refers to the grant of permission at appeal of no. 99 Hayes Way, "where it was considered that development would not materially affect the visual amenities of the area, that it would not result in an undesirable degree of overlooking given a back to back separation of 80 ft and the erection of a screen fence, that it would not create a traffic hazard so long as a turning space was available, and that that it would be a desirable use of undeveloped land to meet the current demand for housing" and acknowledges that the "decision establishes a clear precedent for all the present appeals since in all material respects the site is identical with the present appeal sites". However, The Inspector goes on to state that "if the 8 appeal sites are developed the size of the original plots affected would be halved. The new dwellings would be between 70 and 80 ft back to back which is out of keeping in an area where separation distances of around 200 ft are normal". Furthermore, whilst it was noted that it could be argued that a 70 to 80 ft separation between the backs of dwellings in a suburban area may be acceptable, the Inspector states that the bungalows must be screened from overlooking and the only way would be by erecting a fence or planting bushes along the southern boundaries which would in turn increase a sense of enclosure. The Inspector also notes that the attractive tree lined prospect would be replaced with a number of small bungalows with paved front gardens and the effect of this would harm the character of the area and lower its high amenity value. Further concerns were also raised as to the impact of the development of all 8 sites, individually and collectively, leading to loss of privacy through overlooking, more noise and activity, and a lot more traffic generated on a very busy road. The Inspector concluded that the overall effect of these new houses would "increase the density of development and seriously diminish the open and spacious character of this residential area", would establish a pattern of development out of character with the surrounding development, and would be seriously detrimental to the residential amenities of the owners of the adjoining plots".

Rear of no. 73 Hayes Way

Under ref: 81/02281, Outline planning permission was refused for a 'Detached bungalow'.

Rear of no. 87 Hayes Way fronting Hayes Lane

Under ref: 73/03963, Outline planning permission was refused for 'one detached bungalow with integral garage'. A further outline planning application for a 'detached bungalow with garage' was refused under ref: 74/01098. More recently an application, ref: 08/02293/FULL1, for a 'Detached single storey three bedroom dwelling with attached garage and associated vehicular access and parking at the rear of 87 Hayes Way fronting Hayes Lane' was refused and dismissed on appeal for the following reasons;

"The proposal would constitute the subdivision of an existing plot which, if permitted, would establish undesirable pattern for similar piecemeal infilling in the area, resulting in a retrograde lowering of the spatial standards to which the Park

Langley Area of Special Residential Character is at present developed, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

The proposal would constitute a cramped overdevelopment of the site by reason of the close proximity of the dwelling to the flank boundaries of the site and the amount of site coverage by buildings and hard surfaces and would be out of character with the area, contrary to Policies BE1 and H8 of the Unitary Development Plan.

If permitted, the proposal would set an undesirable pattern of development involving the use of additional vehicular points of access of Hayes Lane to the detriment of the free flow of traffic and generally safety along highway, thereby contrary to Policies T11 and T18 of the Unitary Development Plan."

The Appeal Inspector in relation to this above application noted the spacious, leafy area of this section of Hayes Lane with many mature trees, given the location of the properties in Hayes Way set well back from the road with long and the presence of much smaller garage structures, if any, along this section. The Inspector concluded that the construction of a bungalow would disrupt this character and therefore be seriously detrimental to the quality of the area as a whole and to the Park Langley ASRC in particular. The previous permissions at no's 76 and 90 were acknowledged, but as they clearly pre-date the present UDP their weight as a precedent in favour of granting planning permission for the appeal proposal was very small.

Rear of no. 89 Hayes Way fronting Hayes Lane

Under ref: 73/02595, planning permission was refused for a 'detached three bed bungalow and car port'. Further applications to no. 89, under ref: 74/02105 for Outline permission for a 'detached bungalow with garage', and ref: 86/00458 for a 'detached house with garage' were refused with the latter also dismissed at appeal. The Appeal decision for application 86/00458 acknowledges the previous refusals and permissions for new houses in the rear gardens of Hayes Way along this section of Hayes Lane. However, notes that the Council had followed a consistent policy towards proposals of this nature and that they considered that "no precedent for piecemeal development has been established as the few earlier exceptions are located towards the ends of this stretch of Hayes Lane". The Appeal Inspector concluded that the appeal proposal if implemented would interrupt and disturb the garden areas and adversely affect the character of the street scene in Hayes Lane, and lead to overlooking and an "overbearing effect where none has hitherto existed...which would be to the detriment of the peace and privacy of neighbouring residents". It was also acknowledged that if the appeal was allowed it could lead to other applications which would further erode the character of Hayes Lane.

Rear of no's 97 and 99 Hayes Way fronting Hayes Lane

Under ref: 72/01316, Outline planning permission was refused for a 'detached bungalow'.

Rear of no. 99 Hayes Way fronting Hayes Lane

Under ref: 72/00195, Outline planning permission was refused and subsequently allowed on appeal for a 'detached bungalow with integral garage'. The Appeal

Inspector acknowledged the circumstances of the site and the location of the property which would face towards the junction of Hengist Way rather than any dwellinghouses on Hayes Lane, and in this instance concluded that "the demand for housing and the desirability of using undeveloped land in a suburban area to the best advantage overrides the preserved of the whole of this undeveloped frontage on amenity grounds".

A details pursuant application in relation to this approval was then permitted under ref: 73/02684.

Under ref: 15/02795/FULL1 a current application is pending determination for the 'Construction of one 3 bedroom detached bungalow to the rear of No. 91 Hayes Way fronting Hayes Lane' .

## **Conclusions**

The main issues relating to the application are the standard of new accommodation to be provided, the effect that it would have on the character of the area with particular regards to the location of the site within an Area of Special Residential Character, the impact that it would have on the amenities of the occupants of surrounding residential properties, and the impact on traffic and road safety. Regard must also be given to sustainability policies.

## Principle

Housing is a priority for all London boroughs and the Development Plan does welcomes the provision of small scale infill development on appropriate sites, 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.

Section 6 of the National Planning policy Framework (NPPF) requires that the design of new housing significantly enhances its immediate setting and should be sensitive to the defining characteristics of the local area. Section 7 further states that permission should be refused where a development fails to improve the character and quality of an area. The NPPF also indicates that whilst it is important for the full and effective use of land to be made for housing purposes and that there is a presumption in favour of sustainable development, garden land is not necessarily suitable for housing. Indeed paragraph 53 of the NPPF 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". The NPPF 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.

Policy H7 of the Unitary Development Plan (UDP), which in turn is fully supported by Policy 3.5 of the London Plan, clearly outlines the Council's policies for new housing. Policy H7 of the UDP states that the site layout, buildings and space about buildings must recognise and complement the qualities of the surrounding areas. Furthermore, paragraph 4.39 of the UDP, 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 existing residential amenities". Furthermore, paragraph 4.40 which relates to backland and back garden development specifically states that this type of development would be inappropriate in ASRC's. Paragraph 3.34 of the London Plan also provides guidance in terms of development on garden land and states "directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities' sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern". The loss of garden land on this site is considered to be a key concern, as the open nature of the plot and surrounding rear gardens, greatly adds to the spacious suburban character of the area. Policy H10 of the UDP, which relates to Areas of Special Residential Character (ASRC), seeks to ensure that development should respect and complement the established and individual qualities of the individual areas as identified in Appendix I of the UDP. Appendix I further states that "developments likely to erode the individual quality and character of the ASRCs will be resisted" and that spatial standards shall accord with the general pattern in the area. In addition, backland development will not be permitted and existing mature trees and landscaping shall be retained wherever possible. The Park Langley ASRC, which the application site is located within, is has the character of a garden estate and the area is comprised almost exclusively of large detached two storey family houses on generous plots.

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".

As outlined in the above planning history section of this report, there was a previous application for a new dwelling within the garden of no. 93 refused under ref: 74/01097. This application was appealed and was considered alongside 7 other applications for similar proposals within the rears of 65, 69, 75, 79, 85, 95, and 101. The Appeal Inspector dismissed the appeal as detailed in the planning history section above. There is an additional, extensive history of similar applications for dwellinghouses fronting Hayes Lane, located within the rear gardens of many of the other properties in this section of Hayes Way running from Whitecroft Way to Brabourne Rise. As stated above, many of these previous applications were refused and subsequently dismissed at appeal, with the Appeal Inspectors concluding that the new dwellings would erode and disturb the open and spacious character of the area and the street scene within Hayes Lane and in some instances would lead to a harmful impact on the residential amenities of the adjoining plots in terms of loss of privacy from overlooking and the increase of a sense of enclosure. It is acknowledged that there are some properties, no's 70, 72, 76 Hayes Lane and 90 Hayes Lane which have been allowed to be constructed in the rear gardens of properties in Hayes Way. Again, the details of these have been outlined within the planning history section above. However, it is noted that these are historic cases that pre date the current policies, and that each case must be

treated on its own merits in light of the current Development Plan policies, the NPPF and all other material considerations. Whilst these appeal decisions both for permissions and refusals can be considered as material considerations, it is noted that many are over 40 years old and as acknowledged by the Appeal Inspector considering application ref: 86/00458 for no. 89 and more recently considering the application at no. 87 under ref: 08/02293/FULL1, the properties which were granted approval are not considered to set a precedent for development in the rear gardens of this section of Hayes Way.

Members may also note that a large single storey outbuilding was constructed in the rear of no. 87 Hayes Way following a grant of a certificate of lawfulness. In 2013, an application was submitted for the change of use of this outbuilding to a detached dwellinghouse and this was subsequently refused as the proposal was considered to constitute an unacceptable subdivision of the existing plot which, if permitted, would establish an undesirable pattern for similar piecemeal infilling in the area and would result in a retrograde lowering of the spatial standards to which the Park Langley Area of Special Residential Character is at present developed, thereby contrary to Policies BE1, H7 and H10 of the Unitary Development Plan. It would appear that prior to this application for a change of use and since, the building has been used as a separate dwelling and the Council's Planning Enforcement team are investigating this matter separately.

The new bungalow proposed in the rear of no. 93, would front Hayes Lane and would be accessed by the existing dropped kerb on Hayes Lane which serves the current garage structure. Therefore, whilst it may not be classified as backland development in the sense that the dwelling will front and be accessed by an existing highway, it would be located within a previously undeveloped rear garden, the loss of which both Policy H7 of the UDP and 3.5 of The London Plan seek to resist. There will be a distance of 26m from the rear elevation of no.93 and the rear elevation of the new dwelling, which the garden being sub-divided to allow for a new garden of 13m deep for the host dwelling at no. 93 and 13m for the proposed dwelling. As such, the proposed new dwelling will significantly reduce the existing large garden at no. 93 from between 43-45m in depth to 13m in depth, and the proposed garden area to the new dwelling would also be considerably smaller than that of surrounding properties.

In this case, the site is part of the Park Langley Area of Special Residential Character which is described as representing a coherent, continuous and easily identifiable area, which has maintained its character and unity intact. Therefore, taking into account all the above, whilst the presence of the existing properties at no's 70,72,76 and 90 Hayes Lane are noted, Members may consider that the addition of a new dwelling to the rear is unacceptable in principle, with no circumstances that will allow the acceptability of the principle of the construction of a dwellinghouse in this location. Furthermore, the proposal would result in an acceptable sub-division of the existing plot resulting in a retrograde lowering of the spatial standards and open character of the area, and as such the principle of the development is considered to be at odds with this part of Hayes Way/Hayes Lane, which at present primarily comprises detached dwellings with generous private rear gardens which border Hayes Lane. Members may also consider that the proposal if

permitted would establish an undesirable pattern of similar piecemeal infilling in the area.

### Design

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas and seeks to protect the amenities of neighbouring properties. The property would be single storey in nature with a ridge height of 6.5m. It would be brick built with a plain tiled pitched roof. In terms of its appearance, the bungalow would not be dissimilar to the bungalows at no's 90 and 76 Hayes Lane. However, the proposed dwelling will be located only 0.8m from both side boundaries of the site. Policy H9 of the Council's UDP refers to side space for all new residential development, and states that "(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space". This is to ensure adequate separation to protect the high spatial standards and level of visual amenity and to safeguard the privacy and amenity of adjoining residents. Therefore, whilst it is acknowledged that the proposed dwelling is only single storey, albeit to a height in excess of 6m, Members may consider that given the location of the application site within an ASRC which is characterised by large plots which generous separation between properties and spacious rear gardens a greater separation would be expected.

### Impact on Adjoining Occupiers

Policy BE1 of the UDP states that the development should respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The rear windows will provide much of the light and outlook to the bedrooms within the new dwelling. These will face towards the proposed rear garden of the new dwelling and towards to the rear garden and rear windows of no. 93. Accordingly, whilst it is acknowledged that there will be a separation of some 26m between the rear windows of the proposed dwelling and no. 93, there would be the potential for some mutual overlooking between host dwelling at no. 93 and its neighbours at no. 95 and 91, and the proposed new dwelling, which does not currently exist. Furthermore, whilst the windows in the proposed new dwelling will be at ground floor level, and to an extent may be obscured by some form of boundary treatment, the height and nature of the boundary treatment would need to be sufficiently high enough in order to adequately safeguard the privacy of both the proposed new dwelling and neighbouring properties, which may lead to a sense of enclosure and further disrupt the openness which these rear gardens currently offer and which the occupiers of the adjoining residential properties benefit from at present. Accordingly, Members may consider that the proposal would also be detrimental to the residential amenities that the neighbouring properties currently enjoy.

### Standard of Residential Accommodation

Comments received from the Council's Environmental Health Housing Officer raise concern regarding the GIA of the dwelling and its failure to meet the minimum requirement outlined in Table 3.3 of the London Plan. However, the overall internal ground area of the dwelling has been calculated by Officers to be approximately 88 sq m and the submitted Community Infrastructure Levy (CIL) form would appear to support this. The minimum requirement for a 3bedroom 4 person dwelling as set out within table 3.3 of The London Plan is 87 sq m and as such the property would seem to comply with this minimum. The individual room sizes of the proposed dwelling would also meet the minimum space standards as set out in the Mayor's Housing SPG, including the internal height of the rooms shown to be 2.6m. Furthermore, due to the proposed sub-division of the existing plot, a private garden would be provided which would meet the requirements in terms of private amenity space. The resultant garden space retained by the host dwelling at no. 93 would also exceed the requirements of the Mayors Housing SPG for new dwellings.

### Highways

The site is located within a PTAL rate of 1, considered low on a scale of 1-6, where 6 is the most accessible. The existing dropped kerb which currently serves the rear of no. 93 to allow access to the existing garage would be utilised to provide access to the proposed new dwelling. The submitted block plan indicates the proposed car parking layout. The plan shows the dwelling to be located 5.5m back from the rear boundary of the site. This will provide a front driveway area of between 5m and 7.5m in length. Two parking spaces have been provided adjacent to the boundary with no. 91 which are shown to measure 2.4 by 4.5m. The Council's Highways Engineer have advised that the proposed car parking design would be acceptable and would allow entry and exit to Hayes Lane in forward gear. The ground floor plan indicates a separate vehicular gate and pedestrian gate to the site. No elevational drawings have been provided to show the height of this boundary treatment and no details submitted with regards to the method of opening for the vehicular gate. The Council's Highways Engineers have raised concerns with regards to the lack of information in terms of the method of operation of the gates and have advised that if they are to be manually operated then this proposal would lead to conditions detrimental safety in the highway and as such would be contrary to Policy T18 of the UDP. Members may consider that these details could be required by way of a condition of any approval.

### Trees

Concerns have been raised by neighbouring residents with regards to the felling of mature trees within the rear of no. 93 prior to the submission of the application. Having visited the site, officers note evidence of this. However, the property is not within a Conservation Area nor has any Tree Preservation Orders attached to any of the trees on the land, so the removal of the trees on the land did not require planning permission. As they have been removed prior to the submission of the application, the impact cannot now be considered.

### Sustainable Development and Renewable Energy

The London Plan provides the policy framework in respect of sustainable construction and renewable energy. Policy BE1 (vi) of the UDP also refers to sustainable design and construction and renewable energy. The Design and Access Statement submitted in relation to this application states that the use of rainwater for wc's and solar panels on any roof slope is not considered viable in this type of development. Whilst the Council would expect compliance with these policies as far as is practicable in respect of sustainable construction for all new development, Members may consider that the lack of such measures on such a small development would not warrant the refusal of the application on this basis.

### Secure By Design and Crime Prevention

The application includes a letter from the Metropolitan Police Service with regards to Secure By Design measures and states that these measures will be contained in any future building specification.

### Conclusion

Members are reminded that a current application for a similar proposal to the rear of no. 91 has been submitted under ref:15/02795/FULL1 and will be reported to separately. Therefore, whilst each case must be treated on its own merits, Members may note that, if both constructed, the potential impact on the area in terms of built development and the erosion of the spacious and open character of the area would be greater. Furthermore, the potential impact of the dwellings located only 1.6m apart on the spatial standards of the area and on the amenities of the future occupiers of these proposed dwellings given their proximity should be acknowledged.

Taking into account all the above, Members may consider that the proposed development should be refused as it would result in an unacceptable subdivision of the existing plot and development of previously undeveloped garden land, which would result in a detrimental impact on the open character of the area and subsequently a retrograde lowering of the spatial standards to which the Park Langley Area of Special Residential Character is at present developed, and if permitted, would establish an undesirable pattern for similar piecemeal infilling in the area, thereby contrary to policies BE1, H7, H9 and H10 of the UDP, policy 3.5 of the London Plan and paragraph 53 of the NPPF. In addition, the proposed car parking and access arrangements would lead to an unacceptable impact on highway safety.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposal would constitute an unacceptable subdivision of an existing plot and development of previously undeveloped garden land which, if permitted, would establish undesirable pattern for similar piecemeal infilling in the area, detrimental to the residential amenities of the adjoining properties in terms of loss of visual amenity and a sense of enclosure, and significantly harmful to the open character of the area and resulting in a retrograde lowering of the spatial standards to which the Park Langley Area of Special Residential Character is at present developed, thereby contrary to Policies BE1, H7, H9 and H10 of the Unitary Development Plan, policy 3.5 of the London Plan and paragraph 53 of the NPPF.**

**You are further informed that :**

- 1 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](http://www.bromley.gov.uk/CIL)**