

**Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 15/03813/FULL1

**Ward:**  
Penge And Cator

**Address :** 11 Provincial Terrace Green Lane Penge  
London SE20 7JQ

**OS Grid Ref:** E: 535774 N: 170281

**Applicant :** Akers Dev. Ltd.

**Objections :** YES

**Description of Development:**

Demolition of two-storey side extension and creation of access road; erection of a pair of 1 1/2 storey semi-detached two bedroom houses with associated parking and residential curtilage

**Key designations:**

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 1

**Proposal**

This application was submitted with application ref: 15/03823; each application seeks to overcome the grounds of refusal for residential development schemes which were refused planning permission under references 13/04058 and 13/01166.

The scheme proposes the demolition of an existing two-storey side extension to 11 Provincial Terrace and the creation of an access road leading to a pair of semi-detached two bedroom houses with associated parking and refuse store. The applicant describes the development as being 1 ½ storey dwellings.

A side space of 1.4m is shown to be provided between the two storey flank elevation of the pair of dwellings and the north-eastern boundary of the site with dwellings fronting Parish Lane. These dwellings have rear gardens with a depth of approx. 12m. The dwellings in Provincial Terrace have shorter rear gardens, with deep side returns, of approx. 4.4m deep.

**Location**

The site is located on the north side of Provincial Terrace, Green Lane and encompasses a two storey end of terrace property. It is bounded mostly by

residential gardens to the north-east and south-east, and by the flank elevation of Parish Mews and railway land to the north-west and south-west respectively. At present the site has no access other than through the host dwelling at No.11 Provincial Terrace, although it is appreciable in part from the street where the open railway land leading to maintenance access is bounded by a fence constructed of open metal railings. The site is visible from the rear gardens and first floor rear facing windows of the residential dwellings surrounding the site.

The site measures 0.4 hectares and is broadly rectangular in shape, being approx. 15m wide by 20m deep, excluding the proposed formed access.

Green Lane is a reasonably busy road, comprising a mix of commercial and residential properties. Dwellings are generally two storey and terraced, although flatted blocks lie on the corner of Green Lane and Parish Lane and on the site of a former depot opposite Provincial Terrace.

## **Consultations**

### **Comments from Local Residents**

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

- o The proposal would not be beneficial to the local community or the best use of the land
- o Loss of natural light into neighbouring property at Parish Mews
- o Loss of secluded space at rear of properties fronting busy roads
- o Family homes are required rather than 2 bedroom dwellings
- o Security risk to neighbouring dwellings associated with the opening up of access to the land
- o Access for emergency vehicles
- o The ground floor kitchen window of No. 6 Parish Mews directly overlooks the rear gardens of the proposed dwellings
- o Loss of part of the existing more substantial dwellinghouse to provide the access to the rear
- o The Parish Mews development does not set a precedent for backland development as it involved the conversion of an existing factory
- o The extension at No 11 which would be demolished is actually an original part of the dwelling
- o The access would be dangerous as there are many parked cars on this side of the road
- o Intrusive and out of character
- o The site is actually a garden
- o The houses would overlook neighbouring properties and result in loss of outlook to dwellings on Parish Lane
- o Loss of light, privacy and overshadowing to dwellings fronting Parish Lane
- o Vehicle noise and disturbance at the rear of the short neighbouring gardens
- o The lack of space between the development and the boundary with neighbouring gardens would have a negative impact on the rear gardens of dwellings fronting Parish Lane

- o Loss of value to neighbouring dwellings
- o Disturbance during construction period
- o Impact on pets of construction and opening of an access point onto Green Lane
- o Impact on wildlife

A petition with 32 signatories was received.

### **Comments from Consultees**

Environmental Health (public health) comments raise concerns that the minimum recommended GIA referred to in the London Plan (July 2015) is 83m<sup>2</sup>, and the GIA for the proposed development falls significantly short of the minimum recommended.

Furthermore, in both dwellings, the proposed means of escape in the event of fire from the bedrooms would be through the living room, which is a high risk room and therefore not desirable.

Environmental Health (pollution) raised no objections in principle, subject to conditions relating to contaminated land and air quality. It is also recommended that an acoustic assessment be submitted in order to determine noise levels from the adjacent railway line and if necessary, to specify the glazing/ventilation requirements to achieve satisfactory residential amenity.

No objections are raised from a Drainage point of view and informatives are suggested in the event of a planning permission.

Thames Water raised no objection in respect of sewerage infrastructure capacity or water infrastructure capacity but suggested informatives in the event of a planning permission

From a Highways point of view it is noted that Green Lane (A213) is a London Distributor Road. The site is located in an area with medium PTAL rate of 4 (on a scale of 1 - 6, where 6 is the most accessible).

The applicant has stated that the site is accessed via an existing crossover. This is incorrect as there is no crossover in place. Furthermore, there is a BT pole and a tree which may need relocating. The cost of the works should be met by the applicant.

The site is accessed via a new access road approximately 3.10m wide. The applicant should explain how emergency vehicles i.e. fire services can service the site. Also, the applicant is to submit a state 1 and stage 2 road safety audit and the works should be implemented strictly in accordance with the approved details to the satisfaction of the Local Planning Authority.

Two car parking spaces would be provided, which is satisfactory in principle. Four cycle parking spaces should be provided. The Waste Management Team should

be consulted and the refuse store should be located within 18m of the nearest accessible point for the refuse vehicle.

Planning conditions are suggested if planning permission is granted.

Network Rail raised no objection to the previous scheme, which was substantially similar to the current proposal.

No specific concerns were raised from a Crime point of view although principles of Secured by Design were suggested in the event of a planning permission and the use of external lighting and perimeter fencing requirements were also suggested.

## **Planning Considerations**

The application falls to be determined in accordance with the National Planning Policy Framework (NPPF), the London Plan and the following policies of the Unitary Development Plan:

BE1 Design of New Development  
H1 Housing Supply  
H7 Housing Density and Design  
H9 Side Space  
T3 Parking  
T11 New Accesses  
T18 Road Safety

Supplementary Planning Guidance No 1 - General Design Principles  
Supplementary Planning Guidance No 2 - Residential Design Guidance

The above policies are considered to be consistent with the principles and objectives of the NPPF, a key consideration in the determination of the application. London Plan Policies include:

Policy 3.3 Increasing Housing Supply  
Policy 3.4 Optimising Potential  
Policy 3.5 Quality and Design of Housing Developments  
Policy 5.3 Sustainable Design and Construction  
Policy 5.13 Sustainable Drainage  
Policy 7.3 Designing out Crime  
Policy 7.4 Local Character

## **Planning History**

The planning history of the site includes a number of extensions in relation to the dwelling house and a refusal, reference 71/02234 for the demolition of the existing dwelling and the erection of block of 4 flats, block of 2 garages, associated parking and new access road for the following reasons:

1. The proposal constitutes an over-intensive cramped form of backland development resulting in an unacceptably poor standard of open space and prospect for the occupiers of the proposed flats
2. The proposal does not comply with the Council's standard as regards the access facilities generally and the proposed parking provision

The more recent planning history sees a planning refusal for application reference 13/01166 for the demolition of two storey side extension and creation of access road; erection of pair of two storey semi-detached two bedroom houses with associated parking and residential curtilage. The refusal grounds were as follows:

1. The proposed constitutes a cramped form of backland development out of character and poorly related to adjoining property and thereby contrary to Policies BE1, H7 and H9 of the Unitary Development Plan.
2. The proposed development, in view of its scale, height and siting would be harmful to the amenities of adjoining occupants by reason of visual impact, loss of prospect and light and contrary to Policies BE1 and H7 of the Unitary Development Plan.
3. The proposed dwellings would lack adequate amenity space for future occupants and would thereby be contrary to Policy H7 of the Unitary Development Plan.

Planning permission was refused under reference 13/04058 for the demolition of the two storey side extension, creation of access road, and erection of a pair of two storey semi-detached two bedroom houses, with associated parking and residential curtilage. The refusal grounds were:

- "1. The proposed development constitutes an unsatisfactory form of backland development, out of character with the area, poorly related to neighbouring property and seriously detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy in the form of secluded rear garden areas, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
2. The proposed development by reason of the proposed access road running along the party boundary and the general disturbance which would arise from its use would be seriously detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
3. The proposed development, in view of its scale, height and siting would be harmful to the amenities of adjoining occupants by reason of visual impact, loss of prospect and light, and overshadowing, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan."
4. The proposal represents a cramped overdevelopment of the site by reason of its bulk, height, siting and the restrictive size of plot available, and would appear

cramped, obtrusive and out of character with adjoining development and unsuited to this backland area thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

5. The proposed dwellings would lack adequate quality of space for future occupants and would thereby be contrary to Policy H7 of the Unitary Development Plan.

A concurrent application has been submitted under reference 15/03823 for the erection of a dormer bungalow single dwelling on the site.

## **Conclusions**

The main issues for consideration are the effect of the development on the character and appearance of the locality and the effect on the amenity of occupiers of neighbouring buildings and those of future occupants and whether this application has sufficiently addressed the previous grounds of refusal so as to merit a planning permission.

Whilst it is recognised that new development should seek to optimise the potential of a site Policies BE1 and H7 of the Unitary Development Plan (UDP) are concerned with the character and appearance of the area and require development to complement adjacent buildings, not detract from the street scene and expect that buildings and space about buildings are designed to a high quality. Paragraphs 56 and 57 of the National Planning Policy Framework (NPPF) place great importance on the design of the built environment including high quality design for individual buildings.

In considering the current planning applications for the residential development of the site the planning history, and grounds for refusal, are material planning considerations. It is worthwhile to consider the ways in which the current proposal for a pair of semi-detached dwellings differs from the previous schemes in order to assess the success or otherwise of this attempt to overcome the previous grounds for refusal.

In terms of siting and means of access, the current proposal replicates that of the development proposed under 13/04068. The footprint, siting, amenity space and relationship to the boundary are also broadly replicated. Where the previous application proposed an asymmetrical roofline, with a gable to the south-western flank elevation and a hipped roof to the north-eastern flank, facing the neighbouring residential dwellings, the current proposal shows the provision of hipped roofs to each elevation.

Policy H7 notes that although in certain instances some backland development may be acceptable this should be small scale and sensitive to the surrounding residential area, additional traffic should not cause an unacceptable level of disturbance to neighbouring properties and a high standard of separation should be provided.

Given the constraints of the site and the relationship to the neighbouring dwellings it is not considered that a high level of separation has been provided; just over the minimum has been provided to the boundary with the dwellings fronting Parish Lane and the limited size of rear gardens to dwellings in Provincial Terrace results in an unacceptable proximity of parking areas and traffic movements to their private rear gardens.

It is considered that the comings and goings associated with the creation of two dwellings and the associated parking, vehicle movements and lighting, with very limited buffer zone, will have a detrimental impact on existing residential amenity. The level of activity, noise and disturbance associated with new dwellings in this location in such close proximity to the surrounding boundaries is considered to be unacceptable and is indicative of the cramped nature of the proposal. The current proposal incorporates the provision of a 1.8m acoustic fence at the rear of Nos.9-11 Provincial Terrace. However, the access road would immediately abut the flank elevation and rear garden of No.11 and it is considered that the general increase in activity and the introduction of residential activities of 2 households into close proximity with the rear garden and flank wall of No. 11 and the rear boundaries of Nos. 9 and 10 would result in an unacceptable increase in noise and disturbance to those properties. Concerns relating to the lighting of the parking area and disturbance from vehicle headlights would not be wholly mitigated by the provision of an acoustic fence, taking into account the very truncated rear gardens of the adjacent dwellings. Increased height screening, including soft-landscaping would not be neighbourly given the limited depth of the neighbouring gardens.

The proximity of the flank elevation of the proposed pair of dwellings to the rear gardens of dwellings fronting Parish Lane would limit the extent to which effective screening could be planted or provided between the proposed dwellings and the rear gardens, to mitigate additional noise and disturbance as well as the impact on outlook. The visual impact of the proposal would result in an uncomfortable relationship between existing and proposed development.

The access arrangements and number of residential units served by the narrow access in close proximity to neighbouring properties are as refused. While the roof form is more attractive when viewed as a semi-detached pair, the height and siting of the dwellings are as previously proposed. The deletion of the gable end would improve the appearance of the development when viewed from the Provincial Terrace gardens, with the flank elevation appearing less prominent and visually intrusive. However, the proposed dwellings would be as tall as those previously proposed, and would be clearly appreciable from neighbouring residential properties.

At present the open land at the rear of the tightly positioned terraced dwellings provides a buffer between existing dwellings with their reasonably modest gardens and the railway, and provides an enhanced level of amenity for the Provincial Terrace dwellings which have very short rear gardens, limiting the extent to which these dwellings have a feeling of being hemmed in at the rear.

It is noted that the land does not form part of a residential garden. Functionally, however, it gives rise to an impression of openness which is considered valuable in

the context of the densely developed locality. The development of the site should be small-scale and sensitive to its surroundings. The neighbouring development at Parish Mews followed the grant of planning permission for the conversion and enlargement of an existing commercial building, rather than the introduction of development in a rear position relative to the surrounding streets.

The provision of hipped roofs to each flank elevation improves the appearance of the pair of dwellings but is not considered to wholly address the concerns raised in the reasons for refusal relating to the development comprising unsatisfactory backland development, out of character and detrimental to the amenities of neighbouring residential properties. While an acoustic fence is shown to be provided for a section of the boundary with dwellings fronting Provincial Terrace, it is considered that the intensity of the residential use of the site, combined with the proximity of the access and parking to neighbouring residential dwellings would be likely result in unacceptable noise and disturbance and a general diminishing of the residential amenities that the occupiers of those dwellings might reasonably expect to continue to enjoy.

There is a flank facing window in the ground floor elevation of Parish Mews which directly looks into the site. However, this window is obscure glazed, and accordingly it is not considered that the proposed development would have a significantly adverse impact on the amenities of the property to which the window relates, taking into account the separation between the rear elevation of the proposed dwellings and the boundary.

It is noted that the GIA of the proposed dwellings would fall significantly short of that stipulated within the London Plan, if each dwelling was considered capable of accommodating 4 people. However, the submitted floor plans are annotated to show 1 double bedroom and 1 single bedroom which would fall short of the minimum floor area for a double bedroom. The minimum GIA for a 2 storey, 2 bedroom (3 person) dwelling would be 79m<sup>2</sup>, and the proposals would fall short of this standard, even taking into account the level of occupation predicted by the applicant.

Members may consider that this proposal does not address and overcome previous grounds of refusal and continues to result in a cramped overdevelopment of the site out of keeping with the established character of the area. Additionally, the level of accommodation for future occupiers is compromised. The proposal is substantially similar to the previously refused application reference 13/04058 in terms of the amount of development proposed, the siting and access arrangements. Accordingly Members may consider that the previous grounds for refusal should apply to this current proposal.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 15/03823, 13/04058, 13/01166 set out in the Planning History section above, excluding exempt information.

## **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**



- 1 The proposed development constitutes an unsatisfactory form of backland development, out of character with the area, poorly related to neighbouring property and seriously detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy in the form of secluded rear garden areas, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.**
- 2 The proposed development by reason of the proposed access road running along the party boundary and the general disturbance which would arise from its use would be seriously detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.**
- 3 The proposed development, in view of its scale, height and siting would be harmful to the amenities of adjoining occupants by reason of visual impact, loss of prospect and light, and overshadowing, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.**
- 4 The proposal represents a cramped overdevelopment of the site by reason of its bulk, height, siting and the restrictive size of plot available, and would appear cramped, obtrusive and out of character with adjoining development and unsuited to this backland area thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.**
- 5 The proposed dwellings would lack adequate quality of space for future occupants and would thereby be contrary to Policy H7 of the Unitary Development Plan.**