

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

Application No : 15/03823/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 and 2 car park spaces, and erection of a two bedroom dormer bungalow with 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

Demolition of two-storey side extension and creation of access road and 2 car park spaces, and erection of a two bedroom dormer bungalow with residential curtilage

It is proposed to demolish an existing two storey side extension to an end of terrace dwelling in order to create an access to land at the rear.

A dormer bungalow would be erected on the land, retaining 1.4m side space between the vertical flank elevation and the north-eastern boundary, excluding the width of a modest projecting canopy which wraps around the flank/rear elevations of the dwelling. The bungalow would accommodate 2 double bedrooms and a bathroom in the roofspace provided by front and rear dormers and gable ends. On the ground floor a kitchen/living dining area is proposed in addition to a study and bathroom.

Location

The application site lies on the northern side of Provincial Terrace and encompasses a two storey end of terrace property. The surrounding area is mainly residential with some commercial uses near by. The site does not fall within the boundaries of any designated conservation area.

The site itself is bounded to the south west by the boundary with the elevated railway embankment. To the north east lie the rear gardens of dwellings fronting Parish Lane and to the north west the flank elevation of the residential mews at Parish Mews. To the south east the site adjoins the short rear gardens of terraced dwellings forming Provincial Terrace.

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

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

From an Environmental Health perspective, no objections are raised 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.

Environmental Health (Housing) comment that the only apparent means of natural ventilation to the study would appear to be the external patio doors, presenting a conflict between providing natural ventilation to the room, retaining warmth in the winter and adequate security.

From a technical highways perspective, it is noted that the site is located in an area with a public transport accessibility level of 4 on a scale of 0 - 6b, where 6b is the most accessible.

With regards to the vehicular access, the applicant states that the access is via an existing crossover which is incorrect and in fact there is a BT pole and tree which may need relocating.

The proposed access road would be approx. 3.1m wide and the applicant should explain how emergency vehicles can service the site. A Stage 1 and Stage 2 road safety audit should also be submitted.

The provision of 2 car parking spaces is satisfactory in principle, and 4 no. car parking spaces should be provided.

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

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.

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

Planning permission was refused under refs. 13/01166 and 13/04058 for the residential redevelopment of the garden land to the rear of dwellings fronting Parish Lane and Provincial Terrace, with 2 two storey semi-detached dwellings and 2 one/two storey semi-detached dwellings respectively.

The grounds for refusal of application 13/01166 were:

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.

The grounds for refusal of application 13/04058 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 for a pair of semi-detached two bedroom dwellings under reference 15/03813.

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. It falls to be considered whether this application has sufficiently addressed the previous grounds of refusal to such an extent as to warrant the grant of planning permission.

Whilst it is recognised that new development should seek to optimise the potential of a site Policies BE1 and H7 of Bromley's 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.

The supporting design and access statement draws attention to the low residential density of the development, and the ways in which the scale of the development has been reduced. It is suggested that the provision of an acoustic fence around the boundary would mitigate against potential noise and disturbance to neighbouring property.

In order to evaluate the extent to which the reasons for refusal for application 13/04058 it is helpful to consider the ways in which the proposed development differs from that scheme.

The current scheme proposes the erection of a single dwelling with a reduced ridge and eaves height. The footprint is similar that refused, although the width of the building has been reduced by approx. 0.25m. A similar separation to the boundary with the Parish Lane dwellings would be retained, although it is noted that a projecting canopy at eaves height would extend within 1m of the site boundary. The dwelling would provide 2 double bedrooms, which represents an overall reduction in the intensity of the residential use of the site, as the previous scheme proposed 2 dwellings each with a single and a double bedroom. In terms of the built form of the development, the current proposal relates to the erection of what is described as a dormer bungalow, although the built form incorporates gable ends, formers and 2 first floor bedrooms. The scheme proposed under 13/04058 incorporated a hipped roof adjacent to the boundary where the existing application shows the provision of a gable end adjacent to the north-eastern boundary. An acoustic fence is shown to be provided between the proposed car parking area and the rear gardens of dwellings fronting Provincial Terrace.

The merits of the proposal are quite finely balanced; while the proposal represents an improvement in some respects over the previous scheme, in other respects the concerns relating to the proposed development of the site have not been overcome.

It is considered that the reduction in the number of residential units from 2 to 1 would limit the extent to which the proposed access road would result in unacceptable noise and disturbance to neighbouring residents, in particular No. 11. The provision of an acoustic fence between the truncated rear gardens of these dwellings and the proposed parking area would provide a level of mitigation of noise and disturbance, since the proposed parking area and access would serve

the comings and goings of one household rather than two households as was previously proposed.

With regards to the extent to which the proposal would constitute an acceptable form of development in the context of the backland site and the character of the area, it is considered that while the number of units has been reduced with an associated reasonably modest reduction in the scale of the development, the siting of the proposed dwelling and its relationship to neighbouring property and the locality in general is unsatisfactory.

The development would be surrounded by residential dwellings which in the case of those facing Provincial Terrace and Parish Lane are of a consistent design, appearance and siting within their curtilages. The built form of the proposed dwelling, as a detached single dwelling centrally sited in a backland position would neither complement nor reflect the locally distinctive pattern of development, in siting and form.

The roof is lower than the previously refused scheme, but where the previous proposal incorporated a hipped roof design facing the rear of properties fronting Parish Lane, the current proposal provides prominent gable ends to each flank elevation, with a projecting canopy at eaves height (above the boundary fence line). This projecting canopy would bring the development within 1m of the north-eastern boundary (as scaled from the submitted plans) and the cumulative impact of the built form of the development in relation to the boundary, with gable end and prominent flank elevation, would be to result in the development appearing cramped in this part of the plot.

It is acknowledged that a space of more than 3m is retained to the south-western boundary of the site, which in conjunction with the adjacent railway land would maintain some openness on one side of the site. In contrast, the relationship between the dwelling and the boundary would appear more uncomfortably cramped.

While it is noted that the residential layout of Parish Mews includes a rear sited building, the relationship between the buildings in the Mews are more sympathetic to the pattern and grain of the residential area, reflecting the history and original layout of the neighbouring streets. The development at Parish Mews comprised in the main the conversion of an existing factory building, with the existing buildings informing the layout of the development on the site which was accessed via an existing access point from the highway.

In terms of the impact of the proposal on residential amenity, while the height of the development has been reduced, the roof form is itself more bulky than that which was previously proposed, and the distance between development and the north-eastern boundary has not been increased; rather the introduction of a canopy feature wrapping around the north-eastern corner of the dwelling brings the development even closer to the boundary. While the gardens of the dwellings fronting Parish Lane are more generously proportioned than those of the Provincial Terrace dwellings, they are not so deep as to limit the visual impact of the prominent flank wall of the proposed bungalow to a satisfactory degree. The

existing open land provides a valuable visual buffer and an open aspect from the rear of the densely developed adjacent properties. The proposed bungalow would have prominent appearance from the side as a consequence of the dormer and gable features, and would project significantly above the fence height. The proximity of the flank elevation to the boundary would limit the extent to which screening planting could soften the appearance of the development, particularly in view of the substantial glazing at ground floor level of the flank elevation of the proposed dwelling and the projecting canopy.

Numerous local objections are raised to the revised scheme, not least in respect of the cramped and obtrusive nature of the development, how out of character it will be and impacts from increased noise and activity.

Members may consider that this proposal does not address and overcome all previous grounds of refusal and continues to result in a cramped development of the site out of keeping with the established character of the area and detrimental to the amenities of neighbouring residential dwellings, appearing bulky and resulting in a loss of prospect and outlook from the neighbouring secluded gardens.

It is acknowledged that the proposal would provide one additional dwelling it is not considered that this would outweigh the material harms to residential and visual amenity identified above.

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

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposal constitutes an unsatisfactory form of backland development, out of character with the area, poorly related to neighbouring property and seriously detrimental to the residential amenities that the occupiers of neighbouring property might reasonably expect to continue to enjoy in the form of secluded rear gardens, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.**
- 2 The proposed development, by reason of its scale, height and siting in proximity to the boundary would be harmful to the amenities of adjoining occupants by reason of visual impact, loss of prospect and overshadowing to rear gardens, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.**

- 3 The proposal represents a cramped overdevelopment of the site by reason of its bulk, height and siting and the restrictive size of plot available, and would appear cramped and obtrusive in relation to neighbouring properties in view of scale of the dwelling and its proximity to the boundary of the site, thereby contrary to Policy H7 of the Unitary Development Plan.**