

**Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT**

**Application No :** 16/00583/FULL1

**Ward:** Bickley

**Address :** 38 Hawthorne Road Bickley Bromley  
BR1 2HH

**OS Grid Ref:** E: 542958 N: 168646

**Applicant :**

**Objections :** YES

**Description of Development:**

Demolition of existing dwelling and erection of 2 detached two storey 4 bedroom dwellings including accommodation in roofspace and integral garage, and new vehicular access

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 13  
Smoke Control SCA 12

**Proposal**

It is proposed to demolish the existing fire-damaged house on this site, and construct 2 detached two storey 4 bedroom dwellings which would each include accommodation in the roof space and an integral garage. The existing vehicular access would serve Plot 1 whilst a new vehicular access would be created to the west of the frontage adjacent to No.36 to serve the dwelling on Plot 2.

The application is supported by a Viability Appraisal for the repair and refurbishment of the existing dwelling, and a Surface Water Management Strategy.

**Location**

This site lies on the southern side of Hawthorne Road and is occupied by a large detached locally listed two storey dwelling which has been seriously fire damaged.

A detached two storey dwelling has recently been constructed in the original rear garden of this property (known as 38A Hawthorne Road), and access to it is provided along the eastern flank boundary with No.40.

The surrounding residential area is mixed in character with mainly detached dwellings set in generous plots in Hawthorne Road, with higher density housing in Albyfield to the south-east.

## **Consultations**

Letters of objection have been received from local residents, and the main points raised are summarised as follows:

- \* overdevelopment of the site
- \* out of character with the area
- \* overintensive use - would result in three dwellings on the original site of No.38
- \* loss of privacy to No.15 opposite
- \* too much hardstanding at the front
- \* additional vehicular accesses would cause traffic problems.

## **Comments from Consultees**

No highways objections are raised to the proposals subject to safeguarding conditions. The new vehicular access was previously permitted under an earlier scheme in 2008.

The Council's Drainage Engineer has confirmed that the submitted Surface Water Strategy to dispose of surface water run-off from the proposed development by infiltration using permeable paving and soakaways is considered acceptable, subject to safeguarding conditions.

Thames Water raises no objections.

## **Planning Considerations**

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development  
BE10 Locally Listed Buildings  
H7 Housing Density and Design  
H9 Side Space  
T3 Parking  
T18 Road Safety  
NE7 Development and Trees

## **Planning History**

Permission was granted in May 2015 (ref.16/00583) to re-build the first floor and roof of this detached dwelling which was damaged by fire, and add a two storey side/rear extension to the eastern side adjacent to the access road to No.38A to the rear, along with a detached garage in the rear garden to the west of the dwelling. A new vehicular access was proposed from Hawthorne Road adjacent to No.36 to the west. This has not yet been implemented, and remains extant.

## Conclusions

The main issues in this case are: the principle of the loss of the locally listed building; whether the proposal would result in an overdevelopment of the site which would be out of character with the surrounding area; whether it would result in a cramped form of development on the site; whether it would detrimentally affect the amenities of neighbouring residential properties; the impact on parking/traffic in the surrounding area; and the impact on any important trees on the site.

Policy BE10 of the UDP allows the replacement of a locally listed building only where:

- (i) the applicants have demonstrated that all reasonable options for the retention of the building have been considered; and
- (ii) the proposed new building is of an exceptionally high standard of design.

The applicants have submitted a Viability Appraisal for the repair and refurbishment of the existing dwelling (including a structural report on the building's current condition) which concludes that despite efforts taken by the applicant to preserve the building, the fire damage has resulted in large areas of the property requiring replacement or rebuilding, including some of the main external walls. Although permission was granted in May 2015 (ref.15/00377) for the rebuilding and extension of the existing dwelling, the applicant states that the scheme has been competitively tendered and found to be financially unviable, as has a reduced scheme which also sought to reinstate the existing building.

In view of the poor condition of the building and the efforts made to market the property, Members may, on balance, consider that the design of the proposed replacement dwellings would be of a sufficiently high standard to justify the loss of the locally listed building in this instance.

The replacement of this large dwelling with two smaller dwellings is not considered to constitute an overintensive use of the site as the resulting plot sizes would not be out of character with the surrounding area, and the dwellings would not appear overly large. They would be sited in a similar position on the site as the existing dwelling, and although they would project approximately 2-3m forward of the existing dwelling at two storey level (with the garages projecting a further 3m forward), they would not project significantly forward of the adjoining dwellings such that they would appear overly prominent within the street scene.

A separation of at least 1.5m would be provided between the dwelling on Plot 2 and the western flank boundary with No.36, whilst the dwelling on Plot 1 would be separated from No.40 by the side access road leading to 38A to the rear. The two new dwellings would have a gap of 3m between them, and the proposals are not therefore considered to appear unduly cramped appearance within the street scene.

The dwellings would be set back 9-10m from the front boundary, whilst the rear garden depths would be between 12-15m which would not be dissimilar to neighbouring properties. The proposals are not, therefore, considered to result in

an overdevelopment of the site, nor be out of character with the general pattern of development in the area.

With regard to the impact on neighbouring properties, the proposed dwellings would be a similar distance away from the house to the rear at No.38A as the existing dwelling, and no significant additional impact on the amenities of those residents would therefore occur. First floor side windows in the flank elevations of the new dwellings facing Nos. 36 and 40 are to bathrooms and can be conditioned to be obscure glazed. The proposals are not therefore considered to be harmful to the amenities of adjoining residents.

No highways objections are seen to the provision of an additional vehicular access to the site (which was previously granted under ref.15/00377), and the proposals are not considered to result in any traffic/parking problems in the surrounding area.

The proposals are not considered to impact on any important trees on the site, subject to safeguarding conditions, and a landscaping condition to secure an acceptable setting for the development would be appropriate.

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

## **RECOMMENDATION: PERMISSION**

### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.**

- 3 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 4** Details of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the appearance of the building and the visual amenities of the area

- 5** Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

**Reason:** In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6** No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such.

**Reason:** In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 7** Before any part of the development hereby permitted is first occupied the vehicular access shall be provided with 3.3 x 2.4 x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

**Reason:** In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 8** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 9** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending,

revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policies H7 and BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

**10** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the first floor flank elevation(s) of the dwellings hereby permitted, without the prior approval in writing of the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**11** Before the development hereby permitted is first occupied the proposed window(s) in the first floor flank elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.

**Reason:** In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

**12** The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

**13** The destruction by burning, of materials within the site shall not take place within the canopy extent of any tree or group of trees to be retained on the site or on land adjoining. Similarly, no building materials, equipment, vehicles, plant, oil or other petroleum products shall be stored or allowed to stand within the branch spread of the trees to be retained on site.

**Reason:** In order to comply with Policy NE7 of the Unitary Development Plan and to ensure that the trees located nearby are adequately protected in the interests of visual amenity.

**14** The development hereby permitted shall not commence until a surface water drainage scheme for the site based on sustainable drainage principles, and an assessment of the hydrological and hydro geological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage strategy should seek to implement a SUDS hierarchy that achieves reductions in surface water run-off rates to Greenfield rates in line with the Preferred Standard of the Mayor's London Plan.

**Reason: To ensure a satisfactory means of surface water drainage and to reduce the impact of flooding both to and from the proposed development and third parties.**

**You are further informed that:**

- 1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.**
  
- 2 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)**