

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

Application No : 16/01129/FULL1

Ward:
Hayes And Coney Hall

Address : 53 Kechill Gardens Hayes Bromley BR2
7NB

OS Grid Ref: E: 540392 N: 167128

Applicant : Mr P Nevard

Objections : YES

Description of Development:

Erection of one x two storey, 3-bed attached dwelling and alterations to 53 Kechill Gardens.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
River Centre Line
Smoke Control SCA 51

Proposal

The site is a semi-detached two storey dwelling house located to the northern end (cul-de-sac) and on the west side of Kechill Gardens. The immediate vicinity comprises a mix of semi-detached two storey and bungalow development.

The application proposes the erection of an attached two storey dwelling and extensions and alterations to 53 Kechill Gardens. The southern boundary tapers to the rear and plans indicate c 4.5m separation from the flank wall of the two storey house at the front of the site tapering down to c 3.7m to the rear of the house.

Consultations

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

- o Similar application (14/02617) refused and appeal dismissed
- o Relying on Inspector's comments
- o Regardless of design, a terrace house will be out of character and foreign to the street scene
- o Using 11 Alexander Close as an example is misleading; this was built as an extension with conditions.
- o Proposal is an attempt to mis-direct; previous permission 15/03041 was explicitly subject to condition
- o Previous objections still stand

- o Site is becoming untidy
- o Application at No 55 also under appeal - outcome of this could lead to severe overcrowding if permission allowed for No. 55
- o Contrary to soon to be adopted policy 5.2
- o Adequate housing supply demonstrated
- o Dangerous precedent
- o Garden grabbing
- o Parking difficult on narrow road
- o Environment will be spoilt at the expense of a money making venture

Subject to conditions no Highways concerns are raised.

Planning Considerations

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

- o BE1 Design of New Development
- o H1 Housing Supply
- o H7 Housing Density and Design
- o H9 Side Space
- o T1 Transport Demand
- o T3 Parking
- o T5 Access for people with restricted mobility
- o T7 Cyclists
- o T16 Traffic management and sensitive environments
- o T18 Road Safety
- o IMP1 Planning Obligations

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration.

SPG No.1 - General Design Principles

SPG No.2 - Residential Design Guidance

London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable Design and Construction.
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies
- 6.9 Cycling

- 6.13 Parking
- 7.2 An Inclusive Environment.
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

Adoption of Minor Alterations to London Plan (MALP) and Housing SPG (2016)

Planning History

There is a significant planning history which includes the following:

12/02589 - Part one/two storey side and rear extension - Permission

The side space to the southern boundary indicated on the plans the subject of this planning permission show 4.05m to the front tapering down to c 3.7m to the rear. The single storey rear element proposed a 3.5m rearward projection.

12/03353 - Two storey detached dwelling house. Planning permission was refused on the grounds that the proposal represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. The subsequent appeal against the refusal of planning permission was dismissed

13/00228 - Demolition of two storey extension and erection of two storey detached dwelling together with associated work to provide off street parking. Planning permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. An appeal against the Council's decision to refuse planning permission was dismissed.

13/03420 - Erection of two storey dwelling with garage and additional attached garage to serve 53 Kechill Gardens on land adjacent 53 Kechill Gardens. Permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policies BE1 and H9 of the Unitary Development Plan and Policy 7.4 of the London Plan. A subsequent appeal against the Council's refusal was dismissed.

Under reference 14/02617 planning permission was refused and dismissed on appeal for the erection of an attached two storey 3 bedroom dwelling, with extensions and alterations. The Inspector found that the bulk of the extensions proposed, with the exception of a single storey garage, would have been very similar to that permitted under ref. 12/02589.

Planning application reference 15/03041 for part one/ two storey side and rear extension was granted permission subject to conditions.

Conclusions

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

Principle of Development

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development. Whilst this site cannot be regarded as previously developed land for the purposes of the NPPF (as it comprises private residential garden) this does not necessarily preclude residential development of the land. However, it is necessary to assess whether or not this particular development could be successfully assimilated into its surroundings.

A significant, and well documented planning history applies to the site. This current proposal has been submitted in view of the latest appeal decision and the supporting Design and Access Statement to the application, para 1.3 advises 'the Planning Inspector noted that in principle there was no objection to the creation of a new dwelling at this site. This was reinforced by the inspector's statement that 'it may well have been possible to create an imaginatively designed and attractive new dwelling'.

Design, Siting and Appearance

Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H7 requires that the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas.

The findings of the Inspector acknowledged that the two storey attached dwelling, alone, of the size proposed, when viewed from the street would not appear as an overdevelopment of the site and that the size of the site would relatively easily accommodate the normal domestic paraphernalia of two separate families without causing harm to the generally spacious character and appearance of the area. The Inspector noted 'The sub-division of the plot could, in my judgement, be achieved without the resulting development appearing as an overdevelopment of the site'.

The Inspector reasoned that the bulk of the extension and the subdivision of the front garden need not appear as a cramped overdevelopment. However, the replication of the design of the existing semi-detached pair incorporating a second

front door, the extension of a porch canopy over both doors and the replication of the fenestration pattern would cumulatively have resulted in the property as enlarged "appearing as a terrace of three houses". The Inspector felt that this would have been uncharacteristic in the context of the semi-detached form and appearance of the surrounding development.

The Inspector considered that "it may well have been possible to create an imaginatively designed and attractive new dwelling here that would not have resulted in the semi-detached pair as extended having the uncharacteristic appearance of the a terrace block which, in turn, would give rise to an impression of overdevelopment."

When assessing the proposal against Policy requirements and taking into account comments raised within the latest appeal decision it is noted that the design approach of the current scheme has taken the bulk and form of the scheme of the proposed extension. Whilst that form was considered acceptable as an extension (which originally had the benefit to the street scene of the removal of the 2 storey flat roof extension) and despite the re-positioning of the 'front' door to the side and alterations to the front elevation it is considered that the resultant form would still appear as a terrace of three and therefore comprise an overdevelopment of the site harmful to the spacious characteristics of the surrounding area.

Additionally, although the garage has been removed from the scheme, the four parking spaces proposed to the direct frontage of the host and proposed dwelling would allow for little in the way of any soft landscaping and contribute to a cramped overdevelopment of the site.

Standard of Accommodation and Impact on Adjoining Properties

In terms of the impact of the development on neighbouring amenities given the size, siting and design of the proposed scheme it is not considered that the scheme will have such a negative impact on neighbouring amenities to warrant a planning refusal in this respect. Additionally a satisfactory level of accommodation is offered by the scheme for existing and future occupiers.

Highways and Traffic Issues.

No highways objections are raised to the scheme.

Summary

The previous appeal decisions are material considerations within the consideration of this specific proposal and there are finely balanced considerations to the scheme given that the principle of the extent of the built form (as an extension) is acceptable, that a generous level of side space will remain to the southern boundary, that the host and resultant accommodation are not compromised and the requirements of the National Planning Policy Framework (NPPF).

Whilst it may be argued that the proposal would make more efficient use of land in a sustainable location and also make a contribution to the Borough's housing supply, the relevant development plan policies also place emphasis upon the quality of design and the need to ensure that the character of the built environment is protected. Paragraph 9 of the NPPF makes it clear that pursuing sustainable development includes seeking positive improvements in the quality of the environment.

Having had regard to the above it is considered that the proposed development is not acceptable in that it would result in a detrimental impact on the character of the area and street scene.

In the event of a planning permission it should be noted that this proposal is potentially CIL liable.

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: APPLICATION BE REFUSED

The reasons for refusal are:

The proposal represents a cramped overdevelopment of the site out of character with adjacent properties harmful to the appearance of the street scene and spacious character of the surrounding area thereby contrary to Policy BE1 and H7 of the Unitary Development Plan and Policies 3.5, 7.4 and 7.6 of The London Plan.