

Section '2' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 16/02137/FULL1

Ward:
Petts Wood And Knoll

Address : 2 Lakeswood Road, Petts Wood,
Orpington BR5 1BJ

OS Grid Ref: E: 544083 N: 167477

Applicant : Mr J Sleeper

Objections : YES

Description of Development:

Demolition of existing detached bungalow and erection of pair of two storey 4 bedroom semi-detached dwellings with vehicular accesses, 4 car parking spaces, cycle storage sheds and bin stores

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 8

Proposal

Planning permission is sought for the demolition of existing single storey detached bungalow and the construction of a pair of two storey semi-detached four bedroom dwellings with vehicular accesses onto Lakeswood Road and associated car parking.

The proposed building would have a maximum height of 8.5m to the top of the ridge, and 5m to the eaves. Each house will be provided with a private garden to the rear and a small shed and cycle storage space.

The site is currently occupied by a single storey dwelling measuring a total height of 5.5m. The site is to the northern side of the road and is sited between the junction with Nightingale Road and Queensway. The site at present has an access into the site from the frontage, and it is noted that there are access roads along each flank boundary of the site which are not included within the development site.

The application was deferred at Plans Sub-Committee on 11th August 2016 in order to seek clarification from the applicant on the height of the proposed building in comparison with the heights of neighbouring buildings on Lakeswood Road. Further information has been submitted dated 26th August 2016 indicating these comparisons.

Consultations

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

- Excessive height of development in close proximity to neighbouring housing
- Potential for roof accommodation and windows to be added that would result in overlooking
- Impact on privacy and overlooking of neighbouring gardens.
- Oppressive form of development - visual impact and loss of outlook
- Unsuitable size of site and cramped form of development
- Loss of on-street parking spaces would lead to extra parking demand
- Access roads to the side of the site should not be used for construction purposes.
- Increase in noise and disturbance, which should also be reduced to suitable working hours
- Permitted development rights should be removed

The Petts Wood and District Residents association has objected on the grounds of loss of privacy and the development being out of character with the form and plot sizes of neighbouring sites.

A further statement has been received from the applicant in support of the application.

Highways - concern is raised over potential reversing manoeuvres onto Lakeswood Road as turning area on site is insufficient, however it is not considered that a refusal ground could be warranted on this basis. Standard conditions are suggested.

Thames Water- no objections subject to suggested informatives

The Council's Tree Officer raises no objection subject to a standard condition.

Planning Considerations

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

BE1 Design of New Development
H7 Housing Density and Design
H8 Residential Extensions
H9 Side Space
T3 Parking
T11 New Accesses
T18 Road Safety

London Plan:

3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice

3.9 Mixed and balanced communities
5.3 Sustainable Design and Construction
5.13 Sustainable Drainage
7.4 Local Character

The Mayor's Supplementary Planning Guidance: Housing

Housing Standards Policy Transition Statement (Oct 2015)

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

Technical Housing standards (March 2015)

All other material considerations shall also be taken into account

Under ref. 12/02628, planning permission was granted for a single store rear and infill side extensions to the property.

Under ref. 15/05495, planning permission was refused for demolition of existing single storey detached bungalow and construction of a two storey detached block with additional roof storey accommodation to provide 5 two bedroom flats with associated off street parking and amenity space. The refusal grounds were as follows:

- '1 The proposal, by reason of its scale, height and proximity to boundaries, would result in a cramped overdevelopment of the site and an incongruous addition to the streetscene which would be significantly harmful to the character and visual amenities of the local area, and would fail to provide a satisfactory quality of accommodation for future occupiers, thereby contrary to Policies BE1, H7 and H9 of the Unitary Development Plan, Policy 3.5 of the London Plan and the NPPF (2012).
- 2 The proposed building, given its height and proposed first and second floor windows, would have a seriously detrimental impact on the amenities of adjoining residents by reason of privacy and outlook, thereby contrary to Policy BE1 of the Unitary Development Plan.
- 3 In the absence of information to the contrary, the proposed development would lack adequate car parking at the site which would lead to an increased demand of on-street car parking in the area, thereby contrary to Policy T3 of the Unitary Development Plan.'

Conclusions

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties. The impact on highway safety and the standard of accommodation for future occupants are also considerations.

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.

The National Planning Policy Framework (NPPF) makes it clear 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, there is no presumption that garden land is 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 Council has such a policy in place in the form of Policy H7 of the Unitary Development Plan (UDP), which in turn is fully supported by Policy 3.5 of the London Plan.

Policy H7 of the UDP which outlines the criteria applications for new housing must meet requires, inter alia, that the site layout, buildings and space about buildings recognises and complements the qualities of the surrounding areas. Paragraph 4.39 of the UDP, one of the explanatory paragraphs to Policy H7 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.

Section 6 of the 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 site is within a suburban setting with a moderate PTAL of 4. The London Plan gives an indicative density range of 45-90 units/hectare as appropriate for this type of site within a suburban setting provided the site is well designed, providing a high quality living environment for future occupiers whilst respecting the spatial characteristics of the surrounding area. The Council's Supplementary Planning Guidance No1 - General Design and No.2 - Residential Design Guidance have similar design objectives to these policies and the NPPF. The proposed density of the development would equate to approximately 28 units per hectare which is lower than the minimum density.

Development plan policies related to density are intended to optimise not maximise development and as discussed above a numerical calculation of density is only one consideration. It is also necessary to consider the quality of the development in relation to the surrounding context. In this instance, the previously proposed block of flats has been replaced under this application with a pair of semi-detached dwellings. The principle of the development is considered to be in context with the type of dwellings in the nearby area. The proposed dwellings would be of a size and scale similar to the surrounding developments, and would result in a suitable development type for the locality. It would therefore be considered unsuitable to provide a higher density in this case, and the low density is therefore justified under the Housing SPG guidance.

The London Plan suggests that the minimum size of a four bedroom six person three storey house should be 106sq.m. The submitted plans indicate a floor area of 122sqm for each of the two proposed houses and therefore the dwellings are considered to comply with the requirements of the Technical Space Standards. The dwellings will be provided with private

outdoor amenity spaces that, although smaller than the prevailing local character, are adequate for a family dwelling. Bedroom and living area floor areas are also considered to be suitable and in line with the Housing SPG guidance.

The proposed building is shown to have in excess of 1m space retained between the proposed building and the adjoining boundaries which would be adequate to comply with the minimum requirement as set out in Policy H9. Whilst the previously proposed block of flats was considered to be cramped within the limited plot size, the current proposal appears more comfortable and does not overdevelop the site, providing space for parking, access, landscaping and amenity space around the buildings.

With regards to the proposed scale and design of the building, the building would be two storey in scale, with a pitched roof with no accommodation within the roof. The proposed building focusses the tallest and bulkiest parts of the building towards the centre of the frontage, stepping down to a lower roof height towards both flank boundaries. In light of the relatively open nature of the site in relation to the rear gardens of the adjacent properties to the west and single storey church hall to the east, the proposed height and scale is sympathetic to its immediate surroundings whilst being reflective of two storey development in this part of Petts Wood. The scale of the building would therefore appear in character within the wider street scene and would not exceed the bulk and height of other two storey residential development in the locality.

In terms of the proposed access to the site, a number of residents have raised concerns over the ownership and right of way over the access road to the rear of 1-11 Nightingale Road and the access road which runs alongside Lakeswood Hall. Whilst the private right of way is primarily a private legal matter, the Council's Highways engineer states that both of these roads are private and are not in the ownership of the Council. It is also stated that there is no indication that the applicant has a right of way along these roads. Whilst the parking spaces provided would be in line with the standards outlined in the UDP, they would not provide for adequate turning area and would therefore lead to reversing onto the highway. Whilst not a classified road, Lakeswood Road is a busy highway, however this aspect in isolation would not warrant refusal.

The previous application for flatted development was refused partly due to the degree of overlooking of neighbouring properties, as a result of the proposed three storey height and first and second floor rear windows. The current scheme proposes no second floor rear windows and therefore the degree of overlooking to properties to the rear of the site would be significantly reduced as a consequence. The proposed first floor windows will be sited 33m from properties on Nightingale Road and 36m from properties on Queensway behind the adjacent Lakeswood Hall. As a result of these separations and the reduction in elevated vantage points, it is considered that the relationship with neighbouring properties in terms of privacy and separation would be typical of the area and not harmful to neighbouring amenities.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the area and would not be detrimental to the amenities of adjoining neighbours. No impact on highway safety would result and the standard of accommodation provided for future occupants would be suitable.

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 The landscaping scheme as shown on the submitted drawings 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 a 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 The boundary enclosures indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied 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 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed 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.

- 6 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.

- 7** 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.

- 8** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

Reason: To ensure a satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

- 9** A side space of 1 metre shall be provided between the western and eastern flank wall of the extension hereby permitted and the flank boundary of the property

Reason: In order to comply with Policy H9 of the Unitary Development Plan and in the interest of the visual amenities of the area.

- 10** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, alterations, walls or fences of any kind 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 Policy BE1 of the unitary Development Plan and in order to prevent the overdevelopment of the site.

- 11** Before the development hereby permitted is first occupied, the proposed window(s) in the first floor flank elevations shall be obscure glazed in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall subsequently be permanently retained as such.

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

- 12** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the flank elevation(s) of the development 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.

- 13 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.

- 14 Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

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.

- 15 The development shall be implemented in accordance with Tree Protection Plan (TPP) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

Reason: To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

You are further informed that :

- 1 This is a summary of the main reasons for this decision as required by law. The application has been determined in accordance with the development plan insofar as it is relevant and taking into account all other material planning considerations, including all the representations received. For further details, please see the application report (if the case was reported to Committee), the Unitary Development Plan and associated documents or write to Chief Planner quoting the above application number.

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.

- 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