

SECTION '2' – Applications meriting special consideration

Application No : 16/03639/FULL1

Ward:
Biggin Hill

Address : 36 Village Green Avenue Biggin Hill
TN16 3LN

OS Grid Ref: E: 542360 N: 158829

Applicant : Mr Gary Spiteri

Objections : YES

Description of Development:

Demolition of existing garage/workshop and the erection of a two storey detached four bedroom dwelling with parking and associated landscaping

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 24

Proposal

Members may recall this site was subject to a similar application under ref: 16/01580/FULL1 for the demolition of the existing garage/workshop and the erection of a detached 4 bedroom with parking and associated landscaping. Members resolved to refuse the application by reason of its siting and form resulting in a cramped and incongruent form of development which had a detrimental impact upon the character and spatial standards of the street scene. A revised scheme has now been submitted, of which the amendments to note are:

- Amendments to the design of the dwelling to appear more in keeping with the dwelling to the north of the application site inclusive of a reduction in the height of the eaves.
- Amendments to the materials proposed
- Reduction in height
- Amendments to the parking layout

The application seeks consent for the construction of a two-storey four-bed detached dwelling. The proposal would include one off-street parking spaces. The proposed dwelling would share a boundary with the existing dwelling at number 36 and replace the existing workshop/garages.

Location

The application site comprises a detached bungalow that incorporates a side extension including a double garage/workshop. The property is located on the

eastern side of Village Green Avenue between a single storey bungalow and a link-detached two storey dwelling.

Consultations

Nearby owners/occupiers were notified of the application and one objection was received:

- Little objection to the proposed development however the division of the original site causes off-street parking issues with respect to the existing bungalow
- Assuming no drop kerb is constructed allowing off-street parking at the property, there will be additional parking around the junction of Village Green Avenue and Malan Close.
- The resulting situation would increase the chance of an accident at the junction.

Thames Water - No objections subject to informatives

Highways - The existing garage will be demolished and the proposed dwelling will use the existing access. The existing property will need a new crossover, this layout will need to be agreed with Area Management.

The site location has a PTAL rating of 1b (low) and so car ownership can be expected by the occupiers of these dwellings. The parking layout is the same as the previous application and as no objections were raised in this respect then, none are raised on this occasion.

Environmental Health (Housing) - No Objections

Environmental Health (Pollution) - No Objections subject to informative

Planning Considerations

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

BE1 Design of New Development
BE7 Railings, Boundary Walls and other means of enclosure
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
T3 Parking
T18 Road Safety

London Plan (2015)

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Design and Quality of Housing Developments
3.8 Housing Choice

5.1 Climate Change
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
6.9 Cycling
6.13 Parking
7.4 Local Character
7.6 Architecture

Mayor's Housing SPG (2012)

SPG 1 - General Design Principles
SPG 2 - Residential Design Guidance

Planning History

86/01470/FUL - Single storey rear extension to detached bungalow - approved

16/01580/FULL1 - Demolition of existing garage/workshop and erection of two storey detached 4 bedroom dwelling with parking and associated landscaping - refused

Reasons for refusal:

The proposed dwelling, by reason of its siting and form, together with the constrained nature of the site, would result in a cramped and incongruent form of development that would have a detrimental impact upon the character and spatial standards of the area contrary to Policy 7.4 Local Character of the London Plan (2015); Policies BE1 Design of New Development and H7 Housing Density of the Unitary Development Plan, and the Council's adopted Supplementary Planning Guidance 1 and 2.

Conclusions

The primary considerations in the assessment of this proposal are:

- Principle of development
- The design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality
- Impact on the amenity of neighbouring properties
- The quality of living conditions for future occupiers
- Highways and traffic Issues

The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date,

permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy H7 of the UDP sets out criteria to assess whether new housing developments is appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

A recent appeal decision indicates that the Council does not have a five year housing supply and this matter is a consideration strongly in favour of a grant of planning permission for new housing.

The site is however situated within a residential location and the Council will consider new residential development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

Therefore the principle of an additional dwelling is subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking, traffic implications and refuses arrangements.

Design, Siting and Appearance

Policy 3.4 of the London Plan 2015 specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range.

Policy BE1 and the Council's Supplementary design guidance seek to ensure that new development, are of a high quality design that respects the scale and form of the host dwelling and are compatible with surrounding development. This includes consideration of gaps between dwellings, when they contribute to the character of the area.

The host property, and its neighbouring single storey property number 34, is sited between two distinctive areas of Village Green Avenue, immediately to the north and south of the application site. To the north, on the eastern side of the road, there is a very distinctive pattern and rhythm of identical dwellings set within spacious plots with adjoining single storey garages allowing for views to be retained to the rear. The dwellings are of identical design with duo pitched roof profiles and a mixture of white weather boarding and brick to the front elevation.

The application site and the neighbouring property, number 34, acts as a break between this distinctive residential form and the properties to the south of the site which are a mixture of architectural types and designs.

The site clearly marks the change between the distinctive pattern and rhythm of the built form to the north, and the newer detached properties to the south. The design of the scheme now reflects the properties to the north of the application site, utilising matching materials and of a similar height and profile.

Whilst the footprint is the same as the previously refused application, amendments have been forthcoming to reduce the height of the dwelling as well as the eaves so that they appear in keeping with the dwellings to the north. Alterations to the front elevation of the proposed development, as well as the fenestration, all go some way in alleviating the previously raised concerns.

Concern was previously raised as to the development appearing cramped within the plot. The proposed dwelling retains adequate separation distances to the common side boundaries in compliance with H9. The new dwelling and number 50 are sited within 2m of each other, similar to the flank elevations of the properties to the north and therefore no longer appears incongruous or cramped within the context of the wider street scene. Members may now consider that this satisfactorily overcomes the previous concerns with regard to form and mass and consider that the dwelling now relates well to the existing pattern of development.

Standard of Residential Accommodation

The London Plan and London Plan Housing SPG set out minimum floor space standards for dwellings of different sizes. These are based on the minimum gross internal floor space requirements for new homes relative to the number of occupants and taking into account commonly required furniture and spaces needed for different activities and moving around.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants. This is supported by the London Plan Policy 7.6.

In accordance with Standard 11 of Housing: Supplementary Planning Guidance. (March 2016) of the London Plan 90% of all new dwellings should meet building regulation M4(2) 'accessible and adaptable dwellings'. No information has been supplied in this regard. It is recommended that compliance with this standard could have been secured by condition had permission been recommended otherwise.

Officers have scaled the submitted drawings and the proposed dwelling would have a GIA (gross internal area) of approximately 123sqm. The applicant has not outlined the intended occupancy for the dwelling; however the single rooms measure over 8sqm and the double rooms 12sqm or above. Each of these bedrooms would meet the minimum guidance for room sizes, including 12sqm for a double room. The occupancy could therefore reasonably be a 4 bed 6 person dwelling. The London Plan (2015) and Housing SPG requires a minimum of a

minimum of 106sq.m for a 4b 6p dwelling. The proposal would therefore comply with the minimum standard.

All habitable rooms would receive an adequate level of ventilation, light and outlook. Members may consider that the scheme would provide secure and private amenity space to the rear of the property and the area provided is acceptable for the use of the dwelling as a four bedroom family house.

Impact on Adjoining Properties

London Plan policy 7.6 and Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

The main impact of the proposed dwelling would be on the immediate neighbouring occupiers at No 34 and No 50 Village Green Avenue. The proposed dwelling would have a depth of 11.8m and a height of 6.3m.

The dwelling projects minimally past the rear building line with the neighbouring properties by 1m. This projection is considered acceptable to prevent any loss of light or outlook from the neighbouring dwellings. Windows within the flank elevations are proposed to be obscurely glazed which prevents any actual or perceived overlooking. By virtue of the orientation of the plot, the addition of the first floor will have a minimal impact upon the provision of natural light upon number 34 or number 50. It is therefore considered that the proposal would not result in any significant impacts in terms of un-neighbourly sense of enclosure, loss of day light/sunlight, to the detriment of the neighbouring occupiers.

Car parking

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP and London Plan should be used as a basis for assessment.

The site location has a PTAL rating of 1b (low) and so car ownership can be expected by the occupiers of these dwellings. The parking layout is the same as the previous application and no objections were raised from the Highways Officer in this respect previously and none are raised on this occasion.

Car parking spaces are provided to the front of the dwelling.

Cycle parking

London Plan policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum standards set out in Table 6.3 of the London Plan and the guidance set out in the London Cycle Design Standards.

The applicant has provided details of a location for lockable cycle storage for the unit, the amount of which is considered acceptable by the Highways Officer. The location of this is acceptable.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details regarding the location for proposed bin storage. The location of this is acceptable.

Summary

In conclusion, the development proposed is considered to have overcome the previous grounds of refusal. The design of the dwelling is considered in keeping with the wider locality and will not appear incongruent or out of character with the street scene. Sufficient levels of vehicle and cycle storage is provided and it is considered that the development is acceptable. The dwelling will contribute to the Council's five year housing supply.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 16/03639/FULL1 and 16/01580/FULL1 as 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 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.

- 3 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

- 4** 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.

- 5** 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.

- 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** 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: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 8** Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason:To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

- 9** The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

REASON: To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants

- 10** The refuse store and shed are to be constructed as per the approved plan prior to the first occupation of the dwelling hereby approved.

To provide a sufficient storage space for refuse and bicycles in line with policy BE1 of the Unitary Development Plan and Policy 6.9 of the London Plan.

- 11** The boundary treatments are to be constructed as per the approved plan prior to the first occupation of the dwelling hereby approved.

To provide a good standard of design and acceptable level of privacy to the neighbouring properties in compliance with policy BE1 of the Unitary Development Plan.

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

- 3** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

Before demolition commences, the Applicant is advised to have a full pre-demolition survey carried out to identify any asbestos containing products which may be in the building, and then contact the Health & Safety Executive to ensure compliance with all relevant legislation. The Applicant should ensure compliance with the Control of Asbestos Regulations 2012 and the Health and Safety at Work Act 1974 in relation to the safe removal of any asbestos on site prior to demolition.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.

- 4** 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