

SECTION '2' – Applications meriting special consideration

Application No : 16/03654/FULL1

Ward:
Bromley Common And
Keston

Address : Woodlands, Holwood Park Avenue,
Orpington BR6 8NQ

OS Grid Ref: E: 542801 N: 164678

Applicant : Mr John Ruprai

Objections : YES

Description of Development:

Demolition of existing dwelling and construction of a replacement two storey 7 bedroom dwelling with additional roofspace and basement accommodation, associated landscaping and parking.

Key designations:

Conservation Area: Keston Park
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 14

Proposal

Planning permission is sought for the demolition of the existing dwelling and erection of a replacement 7 bedroom detached house, including basement, accommodation in the roofspace, two car lifts and an indoor swimming pool.

The application site is located on the west side of Holwood Park Avenue. The area is characterised by large detached dwellinghouses of varying designs but these predominantly have pitched roofs, and traditional/arts & crafts style. Woodlands is a large detached house in a mock Tudor style and dates back from early phase of the Holwood Park Development. It is set back from the road and is set within significant landscaping.

The area is particularly notable for the long green front gardens and extensive plots. The site is located within the Keston Park Conservation Area.

The application is a resubmission of a previous application 15/03657/FULL1 for a similar development that was refused planning permission on 9th November 2015. The application was also dismissed at appeal on 25th April 2016.

Consultations

Nearby owners/occupiers were notified of the application and representations of support and objection were received from neighbours, which can be summarised as follows:

Letters of support

- Fully support the development and Mr Ruprai's objective to enhance and uplift the area. In doing so he is following a trend that is already apparent in the Avenue and adding to the architectural quality and mix.

Letter of objection

- The changes are only minor and the current proposal still maintains an imposing and bulky appearance which continues to have a negative impact on the character and appearance within the Conservation Area.
- The proposed new development significantly exceeds the existing footprint of the existing property and while the new proposal has been moved the away from the boundary with The Dormers, there remains an uncomfortable high density feel about the development, in what should be and has traditionally always been, an open park like environment.
- Concerned by the depth of the proposed new dwelling and the loss of significant trees which currently provides natural beauty and screening (including the large Wellingtonia tree at the front of the property).
- A substantial Palladian and Georgian style development is uncharacteristic for a conservation area and inappropriate in a private residential park environment that has always been primarily "arts and craft" style housing and this has been an important characteristic and feature of Keston Park that should not be allowed to be diluted.

Consultee comments

Highways - no objections

APCA - Object. Overdevelopment and poor design, materials described in application do not match those shown on the drawings. Does not justify the loss of the existing building which makes a positive contribution to the Conservation Area in accordance with Historic England criteria.

Conservation Officer - The inspector appeared to accept demolition of the house despite saying it made a positive contribution which is a pity as it is one of the few original houses in the CA. The proposed replacement was dismissed because of its dominant design and I feel that the retention of the full height central bay, with pediment and balustrading to the parapet, means that this is still a harmful proposal. They have however removed the portico.

Environmental Health (Pollution) - no objection in principle subject to a condition in relation to the swimming pool.

Drainage - The Council expects a prestigious development like this one to maximise the use of SUDS on site to provide surface water run-off attenuation for all events including the 1 in 100 plus climate change storm event.

Thames Water - no objection

Planning Considerations

In determining planning applications, the starting point is the development plan and any other material considerations that are relevant. The adopted development plan in this case includes the Bromley Unitary Development Plan (UDP) (2006) and the London Plan (July 2015). The National Planning Policy Framework 2012 (NPPF), as well as other national planning guidance is also relevant.

The most relevant Unitary Development Plan policies are as follows:

- BE1 Design of Development
- BE11 Conservation Areas
- BE12 Demolition in Conservation Areas
- BE14 Trees in Conservation Areas
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and trees
- T3 Parking
- T7 Cyclists
- T18 Road Safety

SPG No.1 - General Design Principles

SPG No.2 - Residential Design Guidance

Keston Park Conservation Area Guidance

The most relevant London Plan policies are as follows:

- Policy 3.5 Quality and design of housing developments
- Policy 3.8 Housing choice
- Policy 5.1 Climate change mitigation
- Policy 5.2 Minimising carbon dioxide emissions
- Policy 5.3 Sustainable design and construction
- Policy 6.13 Parking
- Policy 7.2 An inclusive environment
- Policy 7.3 Designing out crime
- Policy 7.4 Local character
- Policy 7.6 Architecture
- Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Planning History

Planning application reference: 15/03657/FULL1 was dismissed at appeal on the 25th April 2016.

Under planning application reference: 15/03657/FULL1 planning permission was refused for demolition of existing dwelling and erection of replacement 7 bedroom dwelling with accommodation over two floors and accommodation in the roofspace and basement. The application was refused for the following reason:-

The proposed development would constitute an overdevelopment of the site by reason of its bulk, height and depth which would cause harm to the character and appearance of the Keston Park Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.

The design of the proposed dwelling would be poor and conspicuous in the street scenes, and harmful to the character and appearance of the Keston Park Conservation Area, contrary to policies BE1 and BE11 of the Unitary Development Plan.

Under planning application reference: 96/01160/CON planning permission was granted for demolition of existing garage/garden store and single storey rear extension. Conservation Area consent.

Under planning application reference: 96/01159/FUL planning permission was granted for front porch single storey side/rear extension including cellar with bin store for demolition of existing garage/garden store and single storey rear extension.

Under planning application reference 01/00174 planning permission was refused for a single storey detached building for use as a granny annex.

Under planning application reference 88/02790 planning permission was granted for single storey rear extension and pitched roof to existing single storey rear extension.

Under planning application reference 84/00495 planning permission was granted for two storey side extension with integral garage.

Under planning application reference: 84/0060/FUL planning permission was granted for single storey detached building for changing rooms and plot room detached house.

Other replacement dwelling planning history on Holwood Park Avenue

At "Ravenshill" Demolition of existing dwelling and erection of a two storey replacement dwelling with basement and accommodation in the roof space with link detached triple garage and swimming pool was approved under reference: 16/01216/FULL1

At "Munde Dorrie", a replacement dwellinghouse was approved under reference 14/01371/FUL in 2014.

At "The Dormers", a replacement 7 bedroom dwelling was approved under reference 10/02794/FUL . This property is immediately south of the site.

Conclusions

Principle of a replacement dwelling

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.

Policy BE12 states that 'A proposal for a development scheme that will involve the total or substantial demolition of an unlisted building in a conservation area that makes a positive contribution to its character or appearance will not be permitted unless the following can be demonstrated:

- (i) there is clear and convincing evidence that reasonable efforts have been made to continue the present use or to find a viable use for the building and these efforts have failed and it is demonstrated that preservation of the building as part of the scheme or in some form of charitable or community ownership is not possible or suitable, or
- (ii) the costs of repairs or maintenance of the building cannot be justified against its importance or the value derived from its retention, provided that the building has not been deliberately neglected, or
- (iii) there will be substantial planning benefits for the community from redevelopment which would decisively outweigh loss from the resulting demolition.

Following on from the appeal decision the demolition of the existing building on site is considered acceptable in principle but must be considered in light of its impact on the Keston Park conservation area. The Council is aware of other replacement dwellings that have been permitted on Holwood Park Avenue over recent years but careful consideration must be given to the style and design of the replacement dwelling.

The Inspector in her decision letter regards the previously refused application stated that "the proposal to demolish the existing house and replace it with one influenced by Neo Classical design would therefore conform to the SPG and given the lower number of buildings on the road influenced by Neo Classical Design."

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas 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.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; 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; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Housing Supply

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.

At the time of writing a recent appeal decision has indicated that the Council does not have an adequate five year Housing Land Supply. The absence of a five year housing land supply means in brief that under the NPPF paragraph 49 the Council should regard relevant development plan policies affecting the supply of housing as 'out of date'. This does not mean that 'out of date' policies should be given no weight or any specific amount of weight. In this case the following sections of the assessment of this application will be given appropriate weight in the consideration of the scheme. The Planning Inspector commented on the previous scheme that even if the Council could not demonstrate a five year housing land supply, the adverse impact of the proposal on the character and appearance of the area would significantly and demonstrably outweigh the benefits. Substantial weight is given in this respect in the determination of this application

Character and appearance of the Keston Park Conservation Area

The Keston Park SPG provides guidance on new development within the Keston Park conservation area. This states that:

'The chief interest of Keston Park Conservation Area lies in its historical connection with the Holwood House Estate, and in the way that the landscape is incorporated from Holwood Park into a high quality built development, allowing scope for the construction of large and individualistic private homes in a manner typical of

American suburban development. The survival of individual estate dwellings is significant: a keeper's cottage and a gate lodge remain and every effort will be made to retain these elements of an earlier phase of the Park's history.

The Council will expect all proposals for new development to conform with the highly dispersed and wooded character of the conservation area, and with the approach taken by surrounding dwellings, especially in regard to the scale and height of construction, location with a plot (where material), design and materials used. It is hoped that all improvement works will take account of the character of original buildings and alter them as little as possible.'

Houses in the conservation area generally are of traditional construction and employ materials that pay reference to building types of past ages. This includes features such as timber framed construction, weatherboarding, red brick elevations and tile hanging. Design and construction has tended to be influenced by the Arts & Crafts movement (or neo Classical tradition) rather than modern buildings.

The Inspector when considering the previously refused application felt that the proposal would fail to preserve or enhance the character or appearance of the Keston Park conservation area because of the design particularly the arched dormers on both the front and sides roofs, giving the property a three storey appearance which is not typical along the street. Secondly, that the proposal would have a substantial double height front portico which would add bulk to the front elevation.

The current application has been amended and the design changed to take account of the Inspectors comments with the main changes being the removal of the front and side arched dormers, reduction in the overall building height by 1m, general revision of the design to give it more of a two storey appearance, reduction in the width of the house so the existing trees to the boundary with The Dormers are unaffected by the proposals and the double height front portico reduced in scale to eliminate undue dominance.

The conservation officer has raised objection to the new proposal stating that whilst the inspector appears to accept demolition of the house despite saying it made a positive contribution, it remains one of the few original houses in the Conservation Area. The proposed replacement was dismissed because of its dominant design and I feel that the retention of the full height central bay, with pediment and balustrading to the parapet, means that this is still a harmful proposal. They have however removed the portico which is positive. The Advisory Panel for Conservation Areas (APCA) have also objected to the scheme.

Design, Siting and Layout

Policy BE1 of the UDP requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas and seeks to protect the amenities of neighbouring properties.

The Keston Park Conservation Area is mixed in character with a variety of architectural styles. The proposed dwelling would be significantly larger than the

existing dwelling on site and there is concern that a building of such a significant footprint and size would be detrimental to the character and appearance of the area. This is notwithstanding the fact that a number of large replacement dwellings have been approved in the area.

The appeal Inspector when considering the previously refused scheme stated that 'no two houses are the same' on Holwood Park Avenue and that 'the majority on Holwood Park Avenue have been influenced by the Arts and Crafts movement and that there are examples of neo-classical design. All houses are set in large plots with significant planting and trees creating a landscaped setting.

The proposed replacement house would retain a reasonable amount of side space to both neighbouring properties however the replacement dwelling will appear visual more prominent than the existing mock tudor style house with the bulk, scale and height being more than the current dwellinghouse.

The ridge height has been lowered by 1m and the arched dormers removed to attempt to give the property more of a two storey appearance. The double height front portico has also been removed from the front elevation and replaced with bulk of the roof level proposed is considered excessive and additional bulk and mass would be added to the south-western side of the site adjacent to the neighbouring property The Dormers.

It is noted that the proposals feature a neo-Georgian style. The conservation area is characterised by a mixture of dwelling styles but predominantly traditional styles. Members will need to consider if the changes made differ enough to warrant approval of the application. Whilst it is accepted the appeal Inspector has stated the house the existing house can be demolished it is whether the design changes are sufficient to ensure that the Keston Park Conservation area can be preserved or enhanced.

Residential Amenity, Standard of Residential Accommodation and impact on Adjoining Occupiers

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit. The proposals would comply with these requirements.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants and should also respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

It is noted that the proposals include an extensive basement area but that no habitable accommodation is proposed to this area of the house.

The proposed dwelling would be unlikely to cause harm to neighbouring residential or visual amenity given its siting a significant distance to either boundaries.

Windows to the flank elevations can all be obscure glazed as these form en-suite bathrooms to respect the privacy between neighbours.

The neighbours at The Dormers have objected to the development on the basis that the proposed replacement dwelling is imposing and has a bulky appearance which will have a negative impact on the character and appearance within the Conservation Area of Keston Park where the proposal fails to preserve and enhance the area. These issues have been considered above in the report.

Trees

Policy BE14 states that 'Development will not be permitted if it will damage or lead to the loss of one or more trees in conservation area, unless:

- (i) removal of the tree/s is necessary in the interest of good arboricultural practice, or
- (ii) the reason for the development outweighs the amenity value of the tree/s.
- (iii) in granting permission for the development, one or more appropriate replacement trees of a native species will be sought either on or off site through the use of conditions or planning obligations.

The Tree Officer has provided a consultation response stating they have no objections to the proposed redevelopment of the site providing tree protection is addressed under condition. The redwood tree to the front of the application site should form the main feature in respect of protection measures.

Conclusions

It is acknowledged that the proposed dwelling would be substantially larger than the existing dwellinhouse. However, the application site is wide and the proposed dwelling would retain significant space to either boundary. The development would retain mature landscaping, and the proposed planting of specimen trees would, subject to condition, make a positive contribution to the character and appearance of the conservation area. Technical issues relating to foul and surface water drainage of the site can be addressed by way of conditions.

It is considered that the proposal would preserve the character and appearance of the conservation area and would have no significant impact on residential or visual amenities.

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: 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 all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The development 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

- 3** 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.

- 4** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other

arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

- 5 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.

- 6 Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained tree shall be submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work.

Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.

- 7 The noise level from all fixed plant in terms of dB(A) must remain at all times 5 decibels below the relevant minimum background noise level (LA90 15mins) when measured at any location on the curtilage of the property. Should the plant have a distinctive tonal or intermittent nature the plant noise level shall be increased by a further 5dBA for comparison with the background level.

You are further informed that :

- 8 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.

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.