

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

**Application No :** 16/03125/FULL1

**Ward:**  
**Plaistow And Sundridge**

**Address :** 2 Lodge Road Bromley BR1 3ND

**OS Grid Ref:** E: 540933 N: 170287

**Applicant :** Mr And Mrs Tuson/Somerville

**Objections : YES**

**Description of Development:**

Construction of a two-bedroom dwelling, with access onto Willoughby Lane and parking provision.

Key designations:

Smoke Control SCA 7

**Proposal**

The application seeks consent for the construction of a detached 2 bedroom dwellinghouse to the rear of no. 2 Lodge Road with new vehicular access onto Willoughby Lane.

Two parking spaces would be provided

Location

The site forms part of the rear most section of the garden at No 2 Lodge Road, which backs onto Willoughby Lane. This is a private access road, which follows the line of the rear gardens of Lodge Road. The general character of the area is that of large detached dwellings fronting onto Lodge Road set within generous sized plots. The Site is located within a Grade II Registered Park and within the curtilage of the Grade I Listed Sundridge Park Mansion.

**Consultations**

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

- o Willoughby Lane has already seen a significant increase in traffic due to neighbouring developments. This would be exacerbated.
- o Willoughby Lane cannot support additional traffic, it needs upgrading
- o Willoughby Lane is a private road
- o Junction with Plaistow Lane is very difficult to manoeuvre out of
- o Road safety hazard
- o Spoils surrounding woodland and loss of greenery

- o Harm to natural habitat
- o Badgers, foxes, bats and owls are present
- o Overdevelopment
- o Out of character with the area
- o Contrary to National Planning Policy
- o Loss of privacy and harm quality of life for neighbouring homes
- o Would set a precedent for development on neighbouring gardens
- o Disruption during construction
- o Loss of protected trees
- o The application includes errors and misleading information regarding of TPO boundary and location of protected trees. There is also ambiguity about trees to be removed as whilst T6 is listed on the constraints plan as being 'removed', there is no mention of T2 (13m in height) and T9 (15m in height) that are also planned to be removed. Removal of these trees would also need a separate tree application. The development would be within the Root protection area. This matter should be clarified before determination.
- o Removal of trees would have a negative impact on wildlife.
- o Overbearing and loss of light, particularly during winter months
- o Cladding would not blend in the surrounding trees as they are being removed
- o Overlooking into neighbouring gardens and loss of privacy
- o TPO trees should be replaced when removed
- o Passing places should be provided along Willoughby Way
- o Increased surface water runoff

Highways - The applicant is proposing to create an access into Willoughby Lane along with a parking and turning area with facilities to aid collection of waste recycling and storage of bike.

The access to proposed development is from a private road so the applicant has to take permission from the owner to access the road. Likewise it is not clear if the land highlighted in Pink is owned by Electric Sub Station or No 2 Lodge Road. Also there is a mature tree on site.

I have now seen drawing no SP01 Rev E with details of car parking, driveway, turning area, bike storage and new 1m high CBF with laurel planting behind. The applicant is not proposing any gates, which is satisfactory.

Willoughby Lane is a busy road especially after various recent developments which have taken place so I would like to see sight lines of 43m x 2.4m x 43m.

Subject to the above please include the following with any permission:

Condition

H03 (Satisfactory Parking)

H08 (Turning area)

H09 Front hedge or fence to not exceed 1m

H10 Sight lines of 43m x 2.4m x 43m

H12 Pedestrian Visibility...3.3 x 2.4 x 3.3m visibility splays and no obstruction to visibility in access of 1m in height...

H16 (Hardstanding for wash-down facilities)

H19 (Refuse storage)

H22 (Cycle parking)

H29 (Construction Management Plan)

H32 (Highway Drainage)

Non Standard Condition

No loose materials shall be used for surfacing of the parking and turning area hereby permitted

Nonstandard informative

If the applicant wants to carry out any works they need to agree with the owner of Willoughby Lane with regards to the private road and owner of any street furniture/ statutory undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant."

The Garden Trust - No comments received

Historic England (Development Management) - These proposals are for the construction of a residential dwelling to the rear of 2 Lodge Road in Bromley. The dwelling would be accessed via Willoughby Lane which forms the historic carriageway to the Grade I listed Sundridge Park Mansion, and is a key feature of the associated Registered Park which is Grade II listed. It is also very likely that the dwelling would be visible from the carriageway. In our view, the erection of this dwelling would introduce a suburban character to this important part of the Registered Park, and would reduce the prominence of the nearby gate lodge which is listed within the curtilage of the Grade I Mansion. We are also concerned that permission for this development would set a precedent for further schemes along the carriageway. We therefore conclude that the development would cause harm to the setting of the Grade I listed Sundridge Park Mansion and to the character of the Grade II Registered Park. It does not appear that any public benefits are proposed as part of this application, as is required under Paragraph 134 of the NPPF. We are therefore unable to support this scheme.

Historic England (GLAAS) - The Greater London Archaeological Advisory Service (GLAAS) provides archaeological advice to boroughs in accordance with the National Planning Policy Framework and GLAAS Charter. On the basis of the information provided, we do not consider that it is necessary for this application to be notified under the GLAAS Charter, the criteria for consultation from which are attached.

### **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

BE10 Locally Listed Buildings

BE15 Historic Parks and Gardens

BE16 Ancient Monuments and Archaeology  
H1 Housing Supply  
H7 Housing Density and Design  
NE 5 Protected species  
NE7 Development and Trees  
T3 Parking  
T7 Cyclists  
T18 Road Safety

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles  
SPG No.2 - Residential Design Guidance

London Plan (July 2015)

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
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 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 6.9 Cycling  
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 7.8 Heritage Assets and Archaeology  
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (2015)

National Planning Policy Framework (NPPF) - Relevant chapters include Chapters 7, 9, 12 and Paragraphs 203-206 of the NPPF

Planning History

15/03814/FULL1 - Construction of one 2 bedroom chalet bungalow with front and rear dormers to allow habitable accommodation in the roof space to the rear of no.

2 Lodge Road with new vehicular access onto Willoughby Lane. Refused on the 15.12.2015

Refused for the following reasons:

1. The proposal would represent an unsatisfactory subdivision of an existing plot with the provision of a new residential dwelling, being out of context with the form and pattern of development within this locality, and harmful to the quiet, spacious and undeveloped character of area. The proposal is therefore unacceptable in principle and would set an unwelcome precedent being contrary to Policy 7.4 Local Character of the London Plan (2015); Saved Policies BE1 Design of New Development and H7 Housing Density and Design of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.
2. The proposed dwelling, by virtue its layout, poor outlook, confined plot and lack of amenity space would provide poor quality accommodation detrimental to the amenities of future occupiers and contrary Policy 3.5 of the London Plan (2015); to BE1 Design of New Development and H7 Housing Density and Design of the Unitary Development Plan (2006); The Mayor's Housing Supplementary Planning Guidance (2012) and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.

16/03638/TPO - Removal of Sweet Chestnut (T1) at rear of 2 Lodge Road  
Subject to TPO 962 (A1) Consent given on the 13.09.2016

## **Conclusions**

The main issues to be considered in respect of this application are:

- o Principle of Development
- o Design
- o Standard of Residential Accommodation
- o Highways and Traffic Issues
- o Impact on Adjoining Properties

Consideration should also be given to the previous reasons for refusal.

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.

Principle of development

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 indicates 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.

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.

The site forms part of the rear garden of No 2 Lodge Road, meaning there is no presumption in favour of development as gardens no longer form part of the definition of 'previously developed land'. To the rear of the garden is a private access road, which would be used to access the proposed site. 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 Layout.

The site forms part of the rear most section of the garden at No 2 Lodge Road, which backs onto Willoughby Lane. This is a private access road, which follows the line of the rear gardens of Lodge Road. The general character of the area is that of large detached dwellings fronting onto Lodge Road set within generous sized plots. These dwellings include long rear gardens, with garages/sheds which have direct access from Willoughby Lane. Flatted developments are also evident within the wider area; however the immediate neighbouring development primarily faces outwards towards Plaistow Lane and Lodge Road.

The proposed dwelling would have a contemporary appearance, with the use of timber cladding and render. Paragraph 60 of the NPPF states that 'planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms of styles. It is however, proper to seek to promote or reinforce local distinctiveness'.

The site sits within 'Sundridge Park' a Grade II Registered Park, which forms part of the setting of the Grade I Listed Sundridge Park Mansion at the end of Willoughby Lane. The Grade II Registered Garden, follows the line of Willoughby Lane, and according to the Historic England List Entry incorporates the rear most section of the gardens at 2- 8 Lodge Road. The Listing states that 'The mansion is approached from Plaistow Lane to the south-west where a C19 brick-built lodge guards the entrance to a tree-lined drive. The drive runs east-north-east for c 900m, curving through the parkland to arrive at the mansion and stables'. Willoughby Lane has a green, spacious and rural character and is considered to contributing to the setting of the Sundridge Park Mansion. Immediately opposite the site, at the entrance to the Lane, is a Gatehouse which sits within the curtilage of the principal Grade I Listed Mansion House. Comments have been received from Historic England, which have raised objections to the proposal on the basis that 'the erection of this dwelling would introduce a suburban character to this important part of the Registered Park, and would reduce the prominence of the nearby gate lodge which is listed within the curtilage of the Grade I Mansion'.

It is noted that there is a large development currently under construction at the end of Willoughby Lane, which includes a mixture of townhouses and flatted developments. The surrounding area also includes various architectural styles. The proposed would include a flat roof and its overall footprint would have an 'L-shaped' arrangement, which incorporates a part one/part two-storey design. The proposal does not however appear to have considered the pattern, form, architectural details or layout of neighbouring development. Indeed, this section of Lodge Road and Willoughby Lane has a spacious undeveloped green character. A number of properties are situated on the junction of Plaistow Lane, Lodge Road and Willoughby Lane but they are orientated in such a way that they follow the curve of the road around the junction and face outwards with the principal elevations interacting with the main roads of Plaistow Lane and Lodge Road.

Furthermore, the pattern of development changes distinctively at the proposed development site, which clearly marks the start of rear gardens and 'tree-lined drive' leading up the Sundridge Park Mansion. The proposal would therefore interrupt this open and rural character by extending the built form into garden land

where there is little development at present. Policy BE15 and H7 of the UDP outlines the criteria that applications for new housing must meet. It requires the site layout, buildings and level of amenity space to be in keeping with the surrounding area. The explanatory text to Policy H7 (para 4.36 of the UDP) states "many residential areas are characterised by spacious rear gardens and well separated buildings. The Council will therefore resist proposals that would undermine local character or that would be likely to result in detriment to existing residential amenities.

Bromley's Supplementary Planning Guidance No. 2 (Residential Design Guidance) also states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality". Furthermore, the National Planning Policy Framework (NPPF) indicates that private gardens no longer fall within the definition of previously developed land. This strengthens the case for resisting development of residential gardens where it has adverse impacts on the character and appearance of the area.

Paragraph 132 of the NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. In this case the harm caused to the setting of the Grade I Mansion House and Registered Park, is considered to be 'less than substantial' in line with Paragraph 134 of the NPPF. However, there are no public benefits to outweigh this harm.

It is considered that the a new dwelling in this location would appear incongruous and would be out of keeping with the pattern of development within this locality, harmful to the quiet, undeveloped and open character of this section of Willoughby Lane. The proposal would also set an unwelcome precedent for future development on neighbouring gardens. Harm to the character and appearance of the wider area would also be significantly greater if similar developments were repeated in the rear gardens of properties to the east of the application site. This is particularly relevant given the fact that the site contributes to the setting of the Grade I Listed Mansion and the historical interest of the Registered Garden. It is acknowledged that some of the neighbouring gardens are slightly shorter than the current site and include trees subject to a TPO, however they are not so dissimilar that further small dwellings fronting Willoughby Lane could not potentially be accommodated. It is accepted that every scheme must be decided on its own merits, however if allowed, the current proposal could be used in support of similar schemes. Incrementally, this would significantly harm the character and appearance of the Lane, area in general, Setting of the Grade I Listed Building and character of the Registered Park. The proposal therefore continues to be unacceptable in principle and has not overcome previous objections.

Standard and quality of accommodation

The London Plan and London Plan Housing SPG, together with the DCLG Technical Housing Standards 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. The quality of the proposed accommodation needs to meet these minimum standards.

The proposal would provide a 2 bedroom dwelling. The level of occupancy has not been provided however, the bedroom on the ground floor measures approximately 9.5sqm, which is in line with the minimum requirements of a single room; however a double bed is shown on the plans. Notwithstanding this point, the property could reasonably accommodate 3 persons. The proposed unit would have a GIA of 121.22sqm. The nationally described space standards state that a 2b3p dwelling over two storeys should have a GIA of 70sqm, whilst a 2b 4p dwelling should measure 79sqm. In this case, the proposed unit would provide a level of accommodation which exceeds these minimum standards and is therefore considered to be acceptable.

All rooms would achieve a satisfactory level of light and outlook.

The proposal would provide secure, private amenity space to the rear of the property, which exceeds the minimum requirements of the London Plan.

#### Parking and Highways

The proposal would provide two car parking spaces for a two bedroom dwelling. This is considered sufficient. The site is accessed via Willoughby Lane, which is classified a private road. The Council's highways officer has reviewed the scheme and raised no objections to the parking layout, access or parking provision, subject to specified sight lines. A number of conditions have been recommended and all appear relevant and necessary to the proposal.

#### Neighbouring amenity

The proposal would be situated within the rear garden of No 2 Lodge Road, but would back onto the rear garden of Parkside. The rear boundary of Parkside is currently screened by a number of large trees and hedges; however a number of these would be removed under the current proposed. The structure would however be set approximately 1.3m from the rear boundary of this neighbouring dwelling, but would have a depth of 12m along this common boundary. This depth would be set at ground and first floor level, but the first floor element would only have a depth of 7m and this would be set to the southern end of the development. The proposed dwelling would also be set back approximately 24m from the rear wall of the neighbouring dwelling. Parkside is situated to the west of the application site and benefits from a generous plot in terms of both its width and length.

The proposed development would have an L-shaped arrangement and it would have a maximum height of 6.3m to the top of the flat roof. It is acknowledged there would be some visual impact on the neighbouring property, however given the

above factors, members may consider that the proposal would not be significantly intrusive or overbearing.

The proposal would also back onto the rear garden of No 2 and No 4 Lodge Road. However, given the size of the gardens, position of the development in relation to the neighbouring dwellings and design of proposal officers consider that the visual harm to neighbouring properties would not be significant enough to warrant a refusal on this basis.

No significant loss of light or overshadowing is anticipated due to the location of the site in relation to neighbouring development and orientation.

The proposal would include windows within the front, side and rear elevations. To the front of the property the proposed windows at first floor level would overlook a private access road. The upper floor windows to the rear and side would serve a stairwell and bathroom and could therefore be conditioned to remain obscured in order to protect neighbouring privacy.

## Trees

Immediately adjacent to the proposed development is a large Sweet Chestnut Tree which is subject to a Tree Preservation Order. This is a blanket TPO, which extends along the rear gardens of Lodge road, but follows the line of Willoughby Way. The applicant has provided a Tree Protection Statement in order to try and mitigate the impact of construction. The Council's Arboricultural Officer has been consulted and considers that the Arboricultural submission has addressed the tree constraints and detailed protection measures have been provided on the appended Tree Protection Plan (TPP). The TPP illustrates an exclusion zone to the rear of the proposed dwelling. The large sweet chestnut tree (T1) situated on the southern boundary has already been subject to application 16/03638/TPO which granted permission for the felling of the tree. A replacement tree is required to be planted under condition. Based on the scale of the development and the limited opportunities for planting a new tree, it is expected that the planting of the tree will be in the rear garden of the proposed property. A number of other trees are also noted for removal, including a number within blanket TPO area. Policy NE7 states proposals for development should take account of existing trees on site and on adjoining land, which in the interests of visual and/or wildlife habitat, are considered desirable to be retained. The proposal would therefore require the removal a number of trees within the Grade II Registered Park boundary. These trees are considered to contribute to the green and rural character of the lane and their removal would further result in the suburbanisation of the carriageway and area in general.

## Community Infrastructure Levy

The Mayor of London's CIL is a material consideration and should the application be granted then CIL contributions will be sought.

It is considered that the development would result in harm the character and appearance of the area, Grade II Registered Park and setting of the Grade I Listed

Mansion continuing to be unacceptable in principal in light of the previous reason for refusal and taking into account the Council's five year housing supply.

**RECOMMENDATION: APPLICATION BE REFUSED**

The reasons for refusal are:

- 1 The proposal would represent an unsatisfactory subdivision of an existing plot with the provision of a new residential dwelling, being out of context with the form and pattern of development within this locality. Together with the loss of trees, it would result in harm to the quiet, spacious and undeveloped character of area, special character of the Grade II Registered Park and Setting of the Grade I Listed Sundridge Park Mansion. The proposal is therefore unacceptable in principle and would set an unwelcome precedent being contrary to Saved Policies BE1 Design of New Development, BE8 Historic Buildings, BE15 Historic Parks and Gardens, H7 Housing Density and Design, NE7 Development and Trees of the Unitary Development Plan (2006); Policy 7.4 Local character and Policy 7.8 Heritage Assets and Archaeology of the London Plan (2015); National Planning Policy Framework Chapters 7 and 12; Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.**