

SECTION '2' – Applications meriting special consideration

Application No : 16/04022/FULL1

Ward:
Shortlands

Address : Studio At Burgh Hill Kingswood Road
Shortlands Bromley BR2 0HQ

OS Grid Ref: E: 539427 N: 169022

Applicant : Mr Kokchong Chan

Objections : YES

Description of Development:

Conversion of garage and studio below to form new one bedroom unit. Increase in roof height of existing garage, ground floor rear extension and provision of external courtyard area to ground floor. Elevational alterations

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 21
Smoke Control SCA 9

Proposal

Planning permission is sought to change the use of one of the existing garage/former potters shed and basement area beneath to a one bedroom, two person dwelling (Use Class C3). The application also proposes to raise the roof height of the existing structure by 0.5m and add a small extension to the rear to provide an internal staircase and a small courtyard area outside on the lower ground floor.

The applicant proposes to replace the existing garage door into habitable accommodation with a front door & kitchen window in the front elevation, two sets of sliding doors on the rear elevation and a roof light above the proposed bedroom. A small courtyard area is shown on the proposed lower ground floor with mixed planting in the top left hand corner.

The application is a resubmission of previously refused applications and appeals. The last application (reference: DC/15/05470/FULL1) was refused on 11th March 2015 & then dismissed at appeal on 9th August 2016. The application is accompanied by a Design & Access Statement.

The Design & Access Statement sets out the comparisons and changes that have been made since the previously refused and dismissed appeal which include:-

- o The overall floorarea of the unit has been increased to 59m²
- o The bedroom has been moved to the ground floor and the kitchen is now on the first floor
- o The timber screening/ pergola has been replaced by a glazed lattice screen to the living/dining area.
- o The obscure glazed windows located in the flank/rear elevation have been removed.
- o Two sets of patio doors are now shown opening onto the courtyard/garden area

Location

The application site comprises one of three lock up garages originally constructed in the late 1960's within the boundary of No.48 Valley Road. The unit was a former pottery studio and the garages have been severed from No.48 and the site.

The entrance to the site is via Burgh Hill Drive, Kingswood Road. The narrow road is also a driveway for six other properties.

Consultations

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

- o If garage no.1 is turned into residential accommodation it will mean that the residents will have nowhere to park.
- o It will also contravene the legal terms of the lease of these garages
- o Access is important because the access road may need to be used by an emergency vehicle to for occupants of Burg Hill
- o The conversion for one new dwelling is entirely unsuitable
- o Concerned that waste from the kitchen and bathroom will once again be discharged into our garden
- o Note the boundary line is omitted from the plans, is this to conceal that the proposed bedroom extension would stretch right up to the boundary.

The Council's refuse and cleansing department were consulted and no comments were received.

From an Environmental Health (Housing) perspective, concerns have been raised regarding lighting and ventilation and outlook from the bedroom and combined kitchen/dining/living area.

From an Environmental Health (Pollution) perspective, no objection was raised in principle subject to an informative.

The Council's Drainage Officer raised no objections nor did Thames Water.

The Council's Highway Officer provided the following comments:-

Burgh Hill Drive is a private unmade, unlit and partially tree-lined access way. Due to the location of the street lighting in Kingswood Road it seems unlikely that Burgh Hill Drive would benefit to any great extent from that lighting. The application site is some 35m distant from the adopted/lit public highway.

I have assumed that the studio and garages are owned as one entity which is separate from any other dwelling/land in the location.

I have also assumed that the garages are not in use for parking at present and that as part of the history for this site it has been demonstrated that there is no local demand for such parking.

Based on the above I have to assume that the loss of one of the garages is not significant. Especially as the application form indicates that there is no parking on the site at present.

The PTAL rating for the site is 3 (moderate) and the application provides no parking, even though the adjacent garages would appear to be empty and could thus have been included as parking for this dwelling.

Reliance is placed on walking and cycling, a cycle stand being shown on the plans. Given the unmade and unlit nature of the access way leading to the proposed dwelling this is far from ideal.

However, it appears as if the principle of such development has been accepted as part of the history for the site. I also assume that the access way is not in the applicant's control and that the provision of lighting in it is not controllable as part of this application.

A previous application refusal did not include a highway ground.

On the basis of the above I consider I am not in a position to raise objection from the highway point of view. Apply the following to any permission

H23 if the applicant controls Burgh Hill Drive
H29

Planning Considerations

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

Policy BE1	Design of New Development
Policy BE7	Railings, Boundary Walls and Other Means of Enclosure
Policy H1	Housing Supply
Policy H7	Housing Density and Design
Policy H9	Side Space
Policy H11	Residential Conversions
Policy H12	Conversion of Non-Residential Buildings to Residential Use
Policy T3	Parking
Policy T7	Access
Policy T18	Road Safety

Supplementary Planning Guidance 1 - General Design Principles
Supplementary Planning Guidance 2 - Residential Design Guidance

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closes on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). The updated Local Development Scheme was submitted to Development Control Committee on November 24th 2016 and Executive Committee on November 30th 2016, and indicated the submission of the draft Local Plan to the Secretary of State in the early part of 2017.

Draft Policy 1	Housing Supply
Draft Policy 6	Residential Extensions
Draft Policy 30	Parking
Draft Policy 37	General Design of Development

The application falls to be determined in accordance with the following policies of the 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
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing out Crime
- 7.4 Local Character
- 7.6 Architecture
- 7.21 Trees and Woodland

8.3 Community Infrastructure Levy

The Mayor's Housing Supplementary Planning Guidance + National Housing Standards

National Planning Policy Framework.

Planning History

There is an extensive planning history relating to the site. The space below the garages has previously been used as a hobby studio space for a local artist/potter.

Applications of particular note are:

Under planning application reference: 15/05470 planning permission was refused on 11th March 2015 for conversion of garage and studio below to form one bedroom dwelling, including elevational alterations and new external terraces.

The application was refused for the following reason:

'The proposed development by reason of limited natural daylight/ventilation, private amenity space and general facilities commensurable with modern living standards represents an overdevelopment and an unsatisfactory form of cramped living accommodation for future occupants of the building, contrary to Policies BE1 and H12 of the Unitary Development Plan, Policy 3.5 of the London plan and the Technical Housing Standards (DCLG)'.

A subsequent appeal (Appeal Ref: APP/G5180/W/16/3147940) was dismissed on the 9th August 2016. The Inspector considered the main issues to be:-

Whether the proposed dwelling would provide acceptable living conditions for its occupiers, with particular regard to the available floorspace, the receipt of natural light and ventilation.

The Inspector concluded that the proposed pergola and lattice glazing installed on the ground floor would be likely to adversely affect the natural light received into the living room and kitchen area. The Inspector further considered the scheme had inadequate ventilation, floorarea and outlook that would be available to the accommodation's occupiers.

Under planning application ref:- 14/02644 planning permission was refused for 'Conversion of garage and studio below to form new one bedroom dwelling, including elevational alterations and new external terrace with pergola.

The application was refused for the following reason:

"Having regard to the location of the building, the proposed elevational changes and permanent change of use of the garage and basement space beneath to form a one bedroom dwelling (use class C3) is considered inappropriate, a cramped

form of development and out of context with the sites residential characteristics, detrimental to the amenities of surrounding residential properties and thereby contrary to Policies BE1 and H12 of the Unitary Development Plan".

A subsequent appeal (Appeal Ref: APP/G5180/W/14/3001230) was dismissed to the above mentioned application on 7th May 2015. The Inspector considered the main issues to be:-

- (i) whether the proposal would provide acceptable living conditions for future occupiers with particular regard to internal space provision, natural light and ventilation;
- (ii) the effects of the proposal on the living conditions of occupiers of neighbouring properties, with particular regard to noise, disturbance, privacy and outlook; and
- (iii) the effects of the proposal on the character and appearance of the area

The Inspector concluded that whilst the development was a modest addition the proposed dwelling would fail to meet minimum space requirements with a proportion of the floorspace being taken up by the stairs. The Inspector also raised concern about noise and disturbance. The living and bedroom would be single aspect with limited views out and restricted access to daylight due to the proposed pergola and louvered screen in front of the glazed sliding doors. Finally the Inspector considered that the proposal would provide a cramped form of living accommodation with inadequate levels of natural light and ventilation, which could be prone to noise and disturbance from the garages above.

The Inspector did not consider that the proposed development would lead to unacceptable harm to the character and appearance of the area or on the living conditions of occupiers of neighbouring properties. Finally the Inspector did not consider that the proposal would result in an increase in vehicular movements in the lane.

Under planning application ref: 13/02040/FULL2, an application to change the use of the garage to a wig studio (use class B1) and elevational alterations was refused by the Council.

The reasons for refusal were:

"Having regard to the location of the building, the proposed elevational changes and permanent change of use of the garage and basement space beneath to allow commercial activities falling within the use class B1 is considered inappropriate and out of context with the sites residential characteristics, detrimental to the amenities of surrounding residential properties, and thereby contrary to Policies BE1 and EMP6 of the Unitary Development Plan."

In 2010, under ref: 10/01848/FULL2, an application for the use of the studio as a residential dwelling was refused by the Council.

The reasons for this refusal were:

"The conversion of the studio by reason of limited natural daylight/ventilation, private amenity space and general facilities commensurable with modern living standards represents an overdevelopment and an unsatisfactory form of cramped living accommodation detrimental to the amenities of the occupants of the building and harmful to the character and spatial standards of the area, contrary to Policies BE1 and H12 of the Unitary Development Plan"

"Having regard to the location of the building, the residential use is inappropriate and detrimental to the amenities that the current occupiers of the building and nearby residents in 48 Valley Road, might reasonably expect to be able to continue to enjoy by reason of mutual overlooking, loss of privacy and prospect, thereby contrary to Policy BE1 of the Unitary Development Plan".

In 1989, a further temporary consent allowing the space to be used as a potters studio - personal to the applicant and not transferable - was allowed (ref: 89/2977) but with a condition stating that the use shall be discontinued and the site returned to its former condition on or before 31.12.1991.

This personal permission was extended in 1987 under ref: 87/3448, remaining solely for the applicant to use the space 'in an amateur capacity' as a potters studio for a further 5 years.

84/1300 - 'Continued use of building as pottery studio' - this was permitted, but with conditions. The consent was personalised to the applicant and time limited (3 years).

79/3189 - 'residential studio flat below detached garages' - refused

76/2553 - planning permission granted for 'conversion of room below detached garage block into artist's studio'.

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.

Previous scheme

Under planning application reference: 15/05470 planning permission was refused for conversion of garage and studio below to form one bedroom dwelling, including alterations and new external terraces. The reason for refusal read as follows:-

'The proposed development by reason of limited natural daylight/ventilation, private amenity space and general facilities commensurable with modern living standards represents an overdevelopment and an unsatisfactory form of cramped living accommodation for future occupants of the building, contrary to Policies BE1 and H12 of the Unitary Development Plan, Policy 3.5 of the London plan and the Technical Housing Standards (DCLG)'.

A subsequent appeal (Appeal Ref: APP/G5180/W/16/3147940) was dismissed on the 9th August 2016. The Inspector concluded that the proposed pergola and lattice glazing installed on the ground floor would be likely to adversely affect the natural light received into the living room and kitchen area. The Inspector further considered the scheme had inadequate ventilation, floorarea and outlook that would be available to the accommodation's occupiers.

Following the refusal of the previous scheme and dismissed appeal the agent has sought to change the proposal by increasing the floorarea of the unit to meet the required standard for a one bedroom unit and adding patio doors which could be ventilated through adequate building control regulations. The pergoula has been replaced with a glazed lattice screen to improve privacy. The internal layout has been changed with the kitchen now on the ground floor and the bedroom on the ground floor.

Principle of Development

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.

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 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are 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 is surrounded by residential properties. The Council will consider residential infill 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 a residential unit on the land is acceptable in principle 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, sustainable design and energy, community safety and refuse arrangements.

Design, Siting and Layout

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

The Council had previously argued that the introduction of a self-contained residential dwelling fronting the access road would undermine the character of the area, which is generally defined by residential dwellings and flats fronting the main road. The introduction of a new residential dwelling within the established grounds of residential gardens would have also failed to respect the pattern of development in the locality. The development would have also increased the height of the building and introduce a side extension and metal staircase. Despite the Council's concerns the Inspector in dismissing the previous application stated at paragraph 12 of the appeal decision that the property was relatively unassuming utilitarian brick structure that would result in a modest increase in bulk and

introduction of timber cladding. Although the Inspector acknowledged at paragraph 13 that the proposal would introduce domestic activity generated by a small-person dwelling, the nature of the area meant the proposal would not be detrimental to the area's character.

The submitted drawings show that the main changes following the previous refusal would involve the kitchen now being on the first floor with an internal staircase down to a living room, bedroom and bathroom. Two sets of patio doors would be introduced to the bedroom and living room area.

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments and the Technical Housing Standards (DCLG) 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.

Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The submitted drawings show that the residential dwelling would measure 59sqm and would therefore comply with The London Plan standard which requires the the Gross Internal Floorarea (GIA) to be 58sqm for a two storey dwelling.

Impact upon adjoining properties

A number of representations have been received over the development ranging from overlooking into the rear of No.48 Valley Rd, noise, disposal of waste water, cramped form of accommodation and an undesirable form of back land development. The development is on balance not considered to impact upon neighbouring residents.

Access, parking and refuse

The access road leading off Kingswood Road is narrow and serves in the most part a small number of residential lock-up garages. The Inspector considered the parking as part of the previous application and stated that he was satisfied that the proposal would not result in harmful effects of highway safety. Furthermore the Council's highways officer has not raised any objection regarding the loss of one garage space and no parking is proposed for the new development. He did ask that any future occupiers of the development would not be eligible to apply for resident car parking permits.

Summary

The removal of the garage door and replacement doors and windows, coupled with the increase in roof height with timber cladding would result in a new residential dwelling. Based on the Inspectors comments from the last appeal and the changes made by the agent to overcome the previous grounds of refusal members may now consider that planning permission can be granted.

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it would not result in a significant loss of amenity to local residents nor impact detrimentally on the character of the area.

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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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 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.

- 4 Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned 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 arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 5** Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 6** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

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.

You are further informed that :

- 7** You should consult the Land Charges and Street Naming/Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 8** 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