

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 16/05088/FULL1

Ward:
Kelsey And Eden Park

Address : Beau Lodge Kelsey Lane Beckenham
BR3 3NF

OS Grid Ref: E: 537194 N: 168837

Applicant : Mr Casey Waterman

Objections : YES

Description of Development:

Demolition of existing garage blocks and erection of 2 bedroom single storey dwellinghouse on land at rear of Beau Lodge and the Coach House

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 18

Proposal

It is proposed to demolish the existing garages at the rear of Beau Lodge and to erect a single storey two bedroom dwellinghouse. The proposed dwelling would be sited to the east/northeast of The Coach House.

The proposed dwelling would have a largely flat roof with a crown pitch at the outer edges and would be approx. 3.8m high to the ridge and approx. 2.7m high to eaves level. The design of the dwelling would include a small front porch projection which would be sited approx. 2.5m back from the private accessway with the remaining front elevation set 3.8m from the accessway. The rear elevation would be stepped, with a rear bedroom 'wing' leading onto a patio area. Approximately 14m space would be retained between the rear elevation of the proposed dwelling and the rear boundary of the site with No. 24 Kelsey Lane and this space would provide an area of rear amenity space to serve the proposed dwelling.

The submitted plans show that 1m side space would be retained between the eastern elevation of the dwelling and the boundary with the grounds associated with Beau Lodge Cottage, which is itself set approx. 22m from the application site.

The accommodation provided within the proposed dwelling would comprise a combined kitchen/living room, a separate dining room and two bedrooms along with a bathroom. The GIA of the proposed dwelling would be 83.6m².

No flank facing windows are proposed to be provided in the western elevation of the dwelling. A ground floor bathroom window is proposed to be provided in the

eastern elevation which would be approx. 1m from the boundary with Beau Lodge Cottage. Glazing to the front and rear of the dwelling would be clear glazed, serving the reception rooms and bedrooms respectively.

The external surfaces of the building would be finished in facing brick to match other dwellings in the surrounding area, with the crown pitched roof constructed of clay tiles. Aluminium framed windows are proposed to be installed. To the front of the proposed dwelling would be a mix of hard and soft landscaping, including a hardstanding providing a parking space for a vehicle between the western flank elevation of the dwelling and the boundary of the site with the Coach House, with the parking hardstanding separated from the boundary by an area of soft landscaping.

Location

The application site is located towards the rear of Beau Lodge, itself located off Kelsey Lane. The site lies within a small grouping of dwellings including Beau Lodge and the Coach House which are attached to each other, and a detached cottage known as The Mews. The group of buildings is accessed through a shared driveway leading from Kelsey Lane which also serves properties known as Bellapais and Oakhurst as well as Beau Lodge Cottage which lies beyond the application site.

Beau Lodge, along The Coach House, is locally listed. The site does not lie in a Conservation Area.

The land the subject of this application appears to have originally formed part of the rear gardens of Beau Lodge and was possibly once part of the amenity space for the 4 flats provided within the main building. There is also a separate dwellinghouse attached to the flats which has its own private rear garden. 2 blocks of single storey flat roofed garages are sited to the rear of the flats and to the rear of the Coach House and these are proposed to be demolished. The existing garages are slightly higher than a standard boundary fence and topped by a corrugated flat roof.

The site has an area of approx. 460m². The footprint of the existing garages is approx. 47.42m².

Consultations

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

- There is restricted access for deliveries and visitors for existing properties in the locality.
- The conversion of Beau Lodge has resulted in wear and tear on the central drive up from Kelsey Lane to Beau Lodge
- There have been floods since the conversion of the main building

- The proposal will exacerbate the existing poor condition of Kelsey Lane
- The existing locality is already overdeveloped and the proposal will result in too many people living in such a small space
- Previous applications have been refused as they would have been out of keeping with the age, style and setting of the existing houses. The proposal would also not be in the style of the existing buildings
- If any further vehicles were in front of the house there would not be adequate access for emergency vehicles
- Loss of privacy, seclusion and quiet
- The proposal would appear hemmed in and would undermine the spatial standards and historic development of the area
- Inadequate parking
- Increase in traffic, including during construction
- The strip of land in question may not have a separate right of way over the driveway that runs from Kelsey Lane to the corner of The Mews and Beau Apartments
- Concerns regarding access for building works
- The development may interfere with existing drainage and sewage pipes
- The garage blocks were originally part of the Kelsey Manor and so would be listed/heritage properties
- Impact on pedestrian safety
- The existing garages are dis-used and so do not result in vehicular traffic and should be used for the existing apartments
- The materials do not reflect the main locally listed building

Technical comments

From a highways perspective it is noted that the proposal would result in the loss of garage spaces, and the site is located within an area with a low PTAL rate of 2. However no technical objections are raised subject to conditions relating to the details of the access layout, highways drainage and the footpath adjacent to the site.

Thames Water raise no objections regarding the sewerage or water infrastructure capacity.

No technical drainage objections are raised and standard drainage conditions are recommended.

From an environmental health perspective there are no objections to permission being granted, although it is noted that development on land previously used for garages carries a risk of contamination. In this case where there were only seven garages, the risk is reduced and as only one house is proposed, the cost of conducting a full contaminated land survey could be disproportionate. A condition relating to the assessment of potential for contamination following site clearance is recommended.

Planning Considerations

National Planning Policy Framework, 2012

Chapter 6 Delivering a Wide Choice of High Quality Homes
Chapter 7 Requiring Good Design

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

BE1 General Design
BE10 Locally Listed Buildings
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
T3 Parking
T11 New Accesses
T18 Road Safety

Emerging Bromley Local Plan:

The Council is preparing a Local Plan. It is anticipated that submission of the draft Local Plan to the Secretary of State will occur in the early part of 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft Policy 1 - Housing Supply
Draft Policy 4 - Housing Design
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 113 - Waste Management in New Development
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)
Draft Policy 117- Water and Wastewater Infrastructure Capacity
Draft Policy 120 - Air Quality
Draft Policy 122 - Light Pollution
Draft Policy 123 - Sustainable Design and Construction
Draft Policy 124 - Carbon Dioxide Reduction, Decentralise Energy Networks and Renewable Energy

It also falls to be considered under the following policies contained within the London Plan

3.3 Increasing Housing Supply
3.4 Optimising Housing Potential
3.5 Quality and Design of Housing Developments
5.3 Sustainable Design and Construction
5.13 Sustainable drainage
7.3 Designing Out Crime
7.4 Local Character

7.8 Heritage Assets and Archaeology

Government guidance, and that contained within the London Plan, require Councils to maximise the best use of urban land where appropriate when considering new residential developments, but also to retain development that makes a positive contribution to an area.

Planning History

The planning history most relevant to the current proposal is outlined below:

Under reference 11/02413 an outline application for planning permission for a pair of two storey semi-detached 2 bedroom dwellings was refused planning permission. The application included the provision of 5 new car parking spaces on land to the north side of the existing driveway. Permission was refused on the grounds:

1. The proposed development constitutes an undesirable form of backland development, out of character and scale with adjoining development and detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to continue to enjoy due to the height, size and siting of the proposed dwellings, contrary to Policies H7 and BE1 of the Unitary Development Plan.
2. The proposed development, by reason of its height, size and siting would be detrimental to the setting of the adjacent Locally Listed Building, contrary to Policy BE10 of the Unitary Development Plan and supplementary guidance for locally listed buildings.

A subsequent appeal against the refusal of planning permission was dismissed under reference APP/G5180/A/12/2172732. The Inspector identified the following key issues:

- The effect of the proposal on the setting of the adjacent buildings and the character and appearance of the area
- The effect on the residential amenities of neighbouring properties in terms of loss of outlook and privacy.

In dismissing the appeal, the Inspector found that the development would not be harmful in terms of loss of privacy to neighbouring properties but would have had an unacceptable impact on the outlook from the Coach House. The height and depth of the building, with the flank wall on the rear boundary of part of the private garden area to the rear of the Coach House (within 7m of the main rear wall of that property) was considered to be unduly oppressive and harmful to the outlook from the Coach House and its grounds.

With regards to the former issue, the Inspector summarised:

"The development would have a harmful effect on the setting of the adjacent buildings and on the character and appearance of the area. It would not reflect

guidance in the SPG and would not recognise or complement the layout of adjacent buildings and the qualities of the surrounding area as expected in saved UDP policies BE1 and H7."

Of particular concern was the contrast between the existing and proposed setting of the group of locally listed buildings, considered to currently enjoy a substantially undeveloped, spacious setting, appropriate for the size of the principal building and allowing it to be viewed and fully appreciated. The proximity of the proposed building to the Coach House (within 3m of the rear) was considered to be unacceptable alongside the fact that the proposed building extended across the whole width of the site.

While the existing garages were noted to be unattractive, their modest size was noted in comparison with the substantially larger proposed development. The proposal was considered to significantly restrict views of Beau Lodge and the Coach House from the gravel drive. Further, the setting of neighbouring properties was considered to be compromised by the cramped layout of the site, by the building's formal and symmetrical design and the siting of parking prominently on the frontage.

Under application reference 11/00207 a Certificate of Lawfulness was approved for continued use a self contained flat (flat 1).

Under application reference 11/00206/ELUD a Certificate of Lawfulness was approved for continued use a self contained flat (flat 2).

Under application reference 11/00202/ELUD a Certificate of Lawfulness was approved for continued use a self contained flat (flat 3).

Under application reference 11/00204/ELUD a Certificate of Lawfulness was approved for continued use a self contained flat (flat 4).

Conclusions

The main issues in the determination of the application are considered to be:

- The principle of the residential redevelopment of the garage blocks
- The impact of the proposal on the setting of the adjacent buildings and the character and appearance of the area
- The impact of the proposals on the living conditions in adjacent properties
- The extent to which the proposal would provide accommodation of a satisfactory standard
- The parking and highways impacts of the proposal

Principle of the residential redevelopment of the site

The National Planning Policy Framework (NPPF) states that planning should encourage the effective use of land by reusing land that has been previously developed (brownfield land) provided that it is not of high environmental value. The

proposed site is considered to be previously developed land where the proposed development would replace the existing garage development. It is noted that the bedroom wing would project to the rear of the existing rear elevation of the garages although the main bulk of the dwelling would be substantially sited on the footprint of the existing garage block. It is considered that the principle of the demolition of the existing garage block and its replacement by residential development would be acceptable.

The impact of the proposal on the setting of the adjacent buildings and the character and appearance of the area.

In dismissing the appeal against the refusal of outline permission for the erection of a pair of two storey semi-detached dwellings the Inspector had regard to the scale, siting and appearance of the proposed development, noting that the existing group of locally listed buildings enjoyed a "substantially undeveloped, spacious setting that is appropriate for the size of the principal building and allows it to be viewed and fully appreciated."

The current proposal differs significantly from that which was previously considered unacceptable, and the differences between the schemes in terms of the built form of development are summarised:

- The separation to the rear of the Coach House has increased from 3m to 5m
- The maximum height of the building has decreased from approx. 7.8m to 3.8m
- The height to eaves has reduced from approx. 4.9m to 2.7m
- The proposal relates to a single dwelling rather than a symmetrical semi-detached pair of houses
- The proposed dwelling is single storey and occupies a deeper footprint than the previous scheme.

In order to provide a single storey scheme with a workable footprint, the overall footprint is larger than that which was refused outline planning permission. However, it is noted that the proposed building would be significantly reduced in height to such an extent that the eaves height of the proposed dwelling would be approx. 0.2m higher than the existing garage block, which represents a significant improvement over the previous scheme and which would limit the extent to which the proposal would have a significant impact on visual amenity.

The modest height and scale of the proposal is considered on balance to satisfactorily address the previous concerns relating to the impact on views of the principal building and the spacious setting of the group of buildings. While the building would have a residential appearance and would be visible from neighbouring buildings and the accessway, it would not appear unduly prominent in the context of the historically important locally listed principal building and in view of the existing appearance of the garages it is proposed to replace.

The proposal would retain adequate space to the front and between the western flank elevation of the dwelling and the Coach House so as to allow the provision of

soft landscaping and planting which would soften the appearance of the development when viewed in context with that property. The single storey rear projection of the bedroom wing would be set beneath roof of modest height and which would not have a significant impact on outlook and the setting or context of the locally listed Beau Lodge and Coach House buildings.

In terms of the design of the development, it is acknowledged that the modest height of the building has necessitated a somewhat contrived roof form. However, it is considered that the resultant building would be more attractive than the garages and would not have a significant impact on the local interest of the existing historic buildings and their setting and appearance.

The impact of the proposals on the living conditions in adjacent properties.

The previous scheme proposed a two storey height flank wall sited within 7m of the main rear wall of The Coach House. The current scheme provides greater separation between the western flank wall of the proposed dwelling and the boundary with the Coach House along with a significant reduction in the height of the flank wall. The proposed single storey dwelling would be sited with increased separation to the western boundary than the existing garage and would not be significantly higher than the existing flank wall of the garage block. As such it is not considered that the proposal would have a detrimental impact on the residential amenities of that property. The limited height of the proposed dwelling would also, in the context of the existing structures on the site, limit the impact of the proposal on outlook from adjacent properties.

It is noted that concern has been expressed regarding the impact of the proposal on the privacy and seclusion of neighbouring dwellings. The proposal would result in the introduction of the noise and activities associated with a household into an area which is occupied by a currently disused garage block. However the garage block, if re-used as originally intended, would itself represent a potential source of noise and disturbance, and the design of the proposed dwelling has limited fenestration to the front and rear in the most part, so as to limit the potential for loss of privacy to residential properties to either side of the proposed building. The front elevation of the proposed dwelling would be sited some distance from and at an angle to The Mews and the depth of the rear garden would limit the impact of the proposal on the amenities of residential dwellings fronting Kelsey Way, particularly given the single storey height of the proposed dwelling.

While the proposal would result in comings and goings associated with the residential use of the site, as a single dwelling it is not considered that these additional comings and goings would have a significant impact on neighbouring amenity. Members will be aware that the garages to be replaced could, if re-used as intended, generate comings and goings that could be at least commensurate with those associated with a single dwelling of the scale proposed.

On balance it is not considered that the proposal would have a significant impact on the residential amenities of neighbouring dwellings such that would warrant the refusal of planning permission in this instance.

The standard of accommodation

The proposed dwelling would provide accommodation of a satisfactory size and with adequate amenity space to serve the needs of future occupants.

The parking and highways impacts of the proposal.

The previous outline planning application which proposed 2 two storey dwellings was refused on grounds relating solely to visual and residential amenity and no highways ground for refusal was included in the refusal of outline planning permission. No highways objections are raised in respect of the current application, although conditions are recommended should planning permission be granted. The proposal would provide one parking space within the curtilage of the site which is considered acceptable to serve the needs of a two bedroom dwelling.

Concerns have been expressed by neighbouring residents regarding the impact of the dwelling on conditions of safety, including that of pedestrians, should planning permission be granted. In assessing the impact of the proposal it is appropriate that regard should be had for the existing layout and uses of the site and surroundings along with the potential that the existing garages could be freely used for parking by users whether resident in the locality or not. The narrowness of the access and the surfacing of it are noted. However it is not considered that the proposed development would be likely to have a significantly greater impact on road safety and the free flow of traffic than the existing garages and in the context of the existing grouping of dwellings off the same access. In view of the provision of an adequate level of on-site parking, concerns expressed regarding the potential that unneighbourly parking could impede the access beyond the site for emergency vehicles are not considered to represent defensible grounds for the refusal of planning permission.

It is acknowledged that concern has been expressed regarding the rights of way over the access. This is a private legal matter and is not considered to be a material consideration in the assessment of the proposals. Similarly, the responsibility for the maintenance of the private access also falls outside of planning control, although if planning permission is granted a condition could be imposed relating to the need to repair damage associated with the period of construction, along with a condition requiring the submission, approval and implementation of a Construction Management Plan.

Conclusion

On balance it is considered that the proposal would not have a significant impact on residential and visual amenity, and would not harm the setting and interest of the neighbouring locally listed buildings. The proposed level on-site parking is adequate to serve the needs of future occupants, and the layout and design of the accommodation, including the internal floorspace, would provide a dwelling of a satisfactory standard of amenity for prospective residents.

Accordingly, it is recommended that conditional planning permission be granted.

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 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

- 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.**

Reason: In order to secure a satisfactory means of surface water drainage.

- 4 Details of a foul water drainage system 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 maintained thereafter.**

Reason: To secure a satisfactory means of foul drainage.

- 5 Details of access road and turning area including its junction with Kelsey Lane and visibility splays shall be submitted to and approved in writing by the Local Planning Authority and these access arrangements shall be substantially completed before any part of the development hereby permitted is first occupied.**

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 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: To secure a satisfactory means of highways drainage.

- 8** Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 9** 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.

- 10** When the site has been cleared of all structures, oversite concrete and vegetation, the applicant shall contact the Local Planning Authority and arrange a site visit to visually check for contamination, Construction work shall not begin until either (a) it is confirmed in writing by or on behalf of the Local Planning Authority that no remediation is required or (b) a scheme of remedial work has been submitted to and approved in writing by the Local Planning Authority. All works which form part of this scheme shall be completed before any part of the site is occupied.

Reason: In order to comply with Policy ER7 of the Unitary Development Plan and to prevent harm to human health and pollution of the environment.

- 11** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration

permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In order to prevent an overdevelopment of the site and to comply with Policy BE1 and Policy H7 of the Unitary Development Plan.

You are further informed that :

- 1 You are advised that registered footpath 66 runs along the eastern boundary of the application site. Please be aware of the need to safeguard pedestrians using the route. The footpath must not be damaged or obstructed either during or as a result of the development.
- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL
- 3 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