

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

Application No : 16/02529/FULL1

Ward:
Orpington

Address : 4 Hart Dyke Road Orpington BR5 4PL

OS Grid Ref: E: 547511 N: 166009

Applicant : Mrs Zeynap Kegan

Objections : No

Description of Development:

Single storey rear extension to No.4 Hart Dyke Road, demolition of detached garage and construction of 2-bed end-of-terrace dwelling

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 31

Description of Development:

The application site is located on the eastern side of Hart Dyke Road.

The site does not lie within a Conservation Area and is not a Listed Building. The surrounding area is mainly residential in nature.

The area is mixed in character with detached, semi-detached, terraced dwellings and flats in the surrounding area.

Planning permission is sought for the demolition of the existing garage and construction of a two-bed room end of terraced property together with a single storey extension to No. 4.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Highways:

The site has a PTAL rating of 1b (low) and so car ownership can be expected to be associated with occupants of the existing and proposed dwellings.

It is proposed that the new dwelling would utilise the existing drive for parking. Although not shown on any plans, I assume the existing dwelling will require a new vehicle crossover and parking in the front garden. This would involve the re-sting of an existing lamp column.

1 space should be sufficient for the proposed 2 bed dwelling, but it is likely that the existing 3 bed dwelling could generate demand for 2 spaces.

Hart Dyke Road is narrow but can accommodate on-street parking on one side and still allow HGVs/emergency service vehicles to pass through. Thus demand for 1 on-street parking space is unlikely to be detrimental the free flow of traffic or conditions of safety in the highway.

There are thus no objections to this proposal from the highway point of view subject to conditions contained in this report.

Considerations

The application falls to be determined in accordance with the following policies:

National Planning Policy Framework (NPPF) (2012):

The NPPF confirms that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Chapter 6 – Delivering a wider choice of high quality homes

Chapter 7 – Requiring Good Design

London Plan (2015):

- 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
- 5.1 Climate change mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.9 Overheating and cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Lifetime Neighbourhoods
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.14 Improving Air Quality

- 7.15 Reducing and Managing Noise, Improving and Enhancing the Acoustic Environment and Promoting Appropriate Soundscapes.
- 7.19 Biodiversity and Access to Nature
- 8.3 Community Infrastructure Levy

Housing: Supplementary Planning Guidance. (March 2016)

Technical housing standards - Nationally Described Space Standard (March 2015)

Unitary Development Plan (2006):

- BE1 Design of New Development
- BE7 Railings, Boundary Walls and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

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

Draft Local Plan (2016):

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Draft Policy 37 General Design of Development
- Draft Policy 30 Parking
- Draft Policy 32 Road Safety

Planning History

There is none for this site.

Planning considerations

It is considered the planning issues and considerations relate to:

- Principle of development and density;
- Housing Supply
- Design and scale;
- Neighbouring amenity;
- Standard of accommodation;
- Car parking and access;
- Cycle parking;
- Refuse;
- Trees;
- Sustainability and energy; and
- Community Infrastructure Levy

Principle of development and density

National, regional and local plan policies promote redevelopment of brownfield sites and optimising site potentials. There is however no presumption in favour of development sites created from rear gardens of residential houses. In this respect, policy 3.5 of the London Plan (2015) states that housing developments should be of the highest quality internally, externally and in relation to their context.

Section 6 of the National Planning policy Framework (NPPF) requires that the design of new housing significantly enhances its immediate setting and should be sensitive to the defining characteristics of the local area. Section 7 further states that permission should be refused where a development fails to improve the character and quality of an area. Policy H7 of the Unitary Development Plan (UDP) clearly outlines the Council's policies for new housing.

Supplementary Planning Guidance No. 2 (Residential Design Guidance) 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".

Policy H7 seeks to prevent unacceptable residential developments on backland and infill sites and *will be expected to meet all of the following criteria:*

- (i) the development complies with the density ranges set out in the density/ location matrix at Table 4.2 below;
- (ii) in the interest of creating mixed and balanced communities, the development provides a mix of housing types and sizes, or provides house types to address a local shortage;
- (iii) 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;
- (iv) adequate private or communal amenity spaces are provided to serve the needs of the particular occupants;
- (v) off street parking is provided at levels no more than set out in the Table at Appendix II. These are maximum parking standards. A higher provision will be acceptable only where it can be demonstrated that complying with the maximum standards would not be in the interest of the safety of highway users, or where additional parking is required to meet the needs of particular users, such as those with disabilities;
- (vi) the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and
- (vii) security and crime prevention measures are included in the design and layout of buildings and public areas.

This is supported in London Plan Policies 3.4 and 3.5.

The application site fronts onto Hart Dyke Road and this would form the basis of its character reference for the proposal in terms of plot sizes and built pattern of development. Plots in the area are predominantly rectangular in shape with front amenity spaces and long rear gardens. The proposed development proposes the removal of the existing garage and construction of an end of terraced dwelling, the area is characterised by both terraced and semi-detached properties the width of the plots ranging from 3 -15m on the corner. The new house would have a plot width of 5m which is 1m less than the new plot for No. 4. As such the proposal would fit into the established pattern and would not appear shoe horned into the built environment to the detriment of the areas character.

The site has a public transport accessibility level (PTAL) of 1b on a scale where 1 is poor and 6 is excellent. In terms of density Table 3.2 of the London Plan (LP) and Policy H7 of the UDP provide a density matrix and states for suburban areas with a PTAL of 0-1 in LP or 1-2 in UDP the density level should be between 150-200hr/ha. The density level at this site is proposed to be 187.5hr/ha. Whilst this density is within the ranges set out above, density is only one aspect of applications acceptability.

The site is currently developed for a less dense residential use. Therefore in this location the Council will consider residential replacement 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 provision of the new dwellings 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.

As such it is considered that the principle of development can be accepted as the development is in compliance with Policies 3.4 and 3.5 of the London Plan and Policies H1 and H7 of the UDP.

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.

Design and Scale

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Policy 7.6 also relates to architecture and how buildings should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy BE1 requires a high standard of design in new development and the scale and form of new residential development to be in keeping with the surrounding area, and the privacy and amenities of adjoining occupiers to be adequately safeguarded.

Policy H9 states that when considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or

(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.

The Council will normally expect the design of residential extensions to blend with the style and materials of the main building. Where possible, the extension should incorporate a pitched roof and include a sympathetic roof design and materials.

The proposed single storey rear extension is shown to have a flat roof resulting in a modern and contemporary design approach which contrasts against the host building. The extension is proposed to be matching rendered which will therefore blend in with the host building.

The proposed new house would be located immediately adjacent to the northern boundary. Whilst the proposal would not provide a "*minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building*" the proposal would not result in a terracing effect given that the new house is on the corner it does not conflict with the reason for the policy and as such is compatible.

The proposed end of terraced house is designed to be a continuation of the existing pair of semi-detached houses, it is shown to have a pitched roof to a maximum height of 8.1m (eaves 5.5m), the design of the new house and newly formed terrace are seen within the borough, the neighbouring properties are a mix of architectural styles and would not appear alien to the established layout, pattern and distinctive character and appearance of dwellings in the area.

Therefore, it is considered the proposed development would comply with Policy 7.6 of the London Plan and Policy BE1 of the UDP in that the dwelling does have proportion, composition and scale that enhances, activates and appropriately defines the public realm. The proposal would have regard to the form, function, and structure of the surrounding area and would not provide a positive relationship between the proposed and existing urban context.

Neighbouring Amenity

Policy BE1(v) of the UDP that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

The proposed new house would be located to the south of No. 12 Rye Crescent. A shadow study has been produced which shows the new development would not have any impact on neighbouring properties in terms of loss of light.

Given the location of the new house it is considered that this increase would not result in a loss of amenity in terms of light and increased sense of enclosure to any neighbouring property.

In terms of outlook, the fenestration arrangement will provide front and rear outlook for the new house overlooking the rear amenity space and street. The outlook from windows from the proposed property is considered to maintain a suitable level of privacy at the intended distances to existing neighbouring property. There are no flank windows proposed.

The single storey rear extension is shown to project a maximum 3m from the original dwelling, which is the depth currently allowed under permitted development it is considered that the development would not result in an un-neighbourly sense of enclosure and loss of daylight / sunlight, to the detriment of the neighbouring occupiers at No. 2 to the south.

Standard of accommodation

Policy 3.5 of the London Plan and the Housing SPG (2016) 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 should comply with Nationally Described Housing Standards (2015). In addition, consideration needs to be given to Policies 3.8 and 7.2 of the London Plan.

The floor space size of each of the new unit would be approximately 83m². The nationally described space standard requires 79m² for a 2-storey four person two bedroomed unit. On this basis, the floorspace provision for the unit is close to the required standards and is similar to the adjoining properties and is therefore considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

The proposed amenity space to the rear would be accessed from the ground floor however would only measure 75m² (~5m x ~15m) which is considered to be acceptable for a unit of this size.

Car Parking and Access

London Plan Policy 6.13 requires the maximum standards for car parking, which is supported by Policy T3 of the UDP. The proposed development would provide 1 off-street parking spaces (and a new parking space for the original unit).

The Council's Highway Officer has reviewed the current application and not raised objection due to adequate on site provision and suitable access and manoeuvring arrangements.

Cycle parking

London Plan requires two cycle spaces per dwelling, no details of any lockable storage has been provided, however subject to further details required in a condition no objection is raised in this regard.

Refuse

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage. Further details regarding a containment structure can be conditioned as necessary.

Trees and landscaping

An indicative landscaping layout has been submitted as shown on the proposed site plan drawing that details the areas given over to garden for external amenity for future occupiers.

Sustainability and Energy

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

The applicant has submitted a number of criteria to achieve a sustainable development listed in the Design and Access Statement which outlines that it will be possible for the development to meet these objectives.

Community Infrastructure Levy

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant will be required to complete the relevant form.

Conclusion

Having had regard to the above, Members are asked to consider if the proposed single storey rear extension to No.4 Hart Dyke Road, demolition of detached garage and construction of 2-bed end-of-terrace dwelling is acceptable as detailed in the report. It is considered that the development has been carefully and sympathetically designed to ensure that the proposal would not result in amenity implications that would harm the quality of life of existing surrounding.

Accordingly, and taking all the above into account, it is recommended that planning permission be granted in line with the conditions contained within this report.

Background papers referred to during production of this report comprise all correspondence on the file ref: 16/02529/FULL1 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION

Subject to the following conditions:

- 1. The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: Section 91, Town and Country Planning Act 1990.

- 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 3. Details of 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.

- 4. Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 5. Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 6** 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 ensure a satisfactory means of surface water drainage and to accord with Policy 5.16 of the London Plan.

- 7** 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.

- 8** 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.

- 9** Before any work is commenced details of parking spaces and/or garages and sufficient turning space shall be submitted to and approved in writing by the Local Planning Authority and such provision shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development whether permitted by the Town and Country Planning (General Permitted Development Order) 1995 (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 avoid development without adequate parking provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety to comply with Policy T3 of the Unitary Development Plan and Policy 6.13 of the London Plan.

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate)

shall be provided at the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority, and the bicycle parking/storage facilities shall be permanently retained thereafter.

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 11 Before any part of the development hereby permitted is first occupied the drives shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 0.6m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.

Reason: In order to ensure that satisfactory means of access is provided and to comply with the Policy T18 of the Unitary Development Plan and Policy 6.12 of the London Plan.

- 12 No extensions or alterations to the building hereby approved, whether or not permitted under Article 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking, re-enacting or modifying that Order) of that Order, shall be carried out without the prior written permission of the local planning authority.

Reason: In order that, in view of the nature of the development hereby permitted, the local planning authority may have the opportunity of assessing the impact of any further development and to comply with Policy BE1 of the Unitary Development Plan.

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

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

You are further informed that:

- 1 The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.
- 2 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

- 3 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

- 4 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development.
- 5 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.
- 6 Before demolition commences, the Applicant is advised to have a full pre-demolition survey carried out to identify any asbestos containing products which may be in the building, and then contact the Health & Safety Executive to ensure compliance with all relevant legislation. The Applicant should ensure compliance with the Control of Asbestos Regulations 2012 and the Health and Safety at Work Act 1974 in relation to the safe removal of any asbestos on site prior to demolition.
- 7 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.
- 8 It is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are

not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 9 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 10 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.