

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 16/05164/FULL1

**Ward:**  
**Copers Cope**

**Address :** 61 The Avenue Beckenham BR3 5EE

**OS Grid Ref:** E: 538603 N: 169870

**Applicant :** Avestron Development Ltd

**Objections : YES**

### **Description of Development:**

Demolition of existing dwelling and erection of 2 no. two storey detached dwellings with accommodation in roof space; formation of additional vehicle access.

### **Key designations:**

Conservation Area: Downs Hill  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 12

### **Proposal**

It is proposed to demolish the existing detached dwelling and to erect two detached two storey dwellings with accommodation in the roof space along with the formation of a vehicular access.

The detached dwellings would be sited with their front elevations at a right angle to each other, with House A sited adjacent to the western boundary of the site, broadly aligning with No. 59a. House B would be sited adjacent to the northern boundary of the site, adjacent to No. 67 The Avenue.

A separation of approx. 3.3m is shown to be provided between the flank elevation of House A and the western boundary and approx. 2.8m side space would be provided between the northern flank elevation of House B and the boundary. The dwellings would be sited with a separation between the individual dwellings of approx. 5m.

Each dwelling would provide 5/6 bedrooms arranged over the first and attic floors (taking into account a room annotated as a study). The proposed dwellings would incorporate a deeply pitched roof sloping down from the ridge to end above the top of the ground floor front facing window, with a modest front facing dormer set within this roof slope. Gabled front projections are also proposed to each dwelling, to the western side of House A and the northern side of House B.

The decorative gable of House A would be tile hung while that of House B would be incorporate decorative brick set within a mock-tudor timber/render detailing.

To the front of the proposed dwellings a hardstanding would provide off-street parking at a level of 3 spaces per house. Bicycle storage would be provided in structures sited between and forward of the proposed dwellings. Refuse stores would be provided within each proposed curtilage towards the front of the site,

adjacent to the vehicular accessway. The parking spaces would be accessed via crossovers towards the western and northern boundaries on either side of the site. The application redline site incorporates the verge area to the front of the site. The agent has confirmed that a licence has been obtained from the landowner (Cator Estates) to carry out the crossover works and other landscaping works in front of the boundary.

Private amenity space would be provided through the installation of 1.8m high close boarded fencing at the rear between the dwellings. As a consequence of the orientation of the dwellings in relation to each other the shape and depth of the rear gardens would differ, with the rear garden of House A being approx. 16m wide and 12m deep and the garden of House B being 8.5m wide at its narrowest point and 17m deep. Further amenity space would be provided to the front and side, with soft landscaped grounds with the exception of the hardstanding parking areas.

First floor rear balconies would be provided above the ground floor bay projection from the kitchen/family room of each dwelling. The balconies would each have a full height brick screen wall elongating the first floor western and northern flank elevations of House A and House B respectively.

### **Location**

The application site is located to the northern edge of The Avenue at its eastern end, towards the junction with Downs Hill. It forms the southern boundary of the Downs Hill Conservation Area. The Avenue is an unmade and unadopted highway.

The application site is occupied by a detached two storey dwelling close to the northern boundary of the site. The site is a prominent, large corner site, elevated above the road junction. The host dwelling is not considered to be of any particular architectural merit.

Other properties in the locality are of commensurate size and scale to the existing dwelling, although the nearest dwellings in The Avenue are generally set more modest plots than is characteristic to the north, west and east of the site, incorporating that part of Downs Hill that lies within the Conservation Area. The siting of the existing dwelling towards the northern boundary of the site leaves a generous area of garden land between the host property and the southern and eastern boundaries, and this retained space between built development makes a positive contribution to the Downs Hill Conservation Area since it can be seen from within Downs Hill. The site is densely treed and the mature trees, landscaping and spaciousness of the site contribute to a semi-rural quality to the area.

To the south of the site and on the opposite side of The Avenue is a flatted development known as West Oak, which falls outside of the Conservation Area. The four properties within the conservation area to the west are detached two storey dwellings. Beyond this to the west at both northern and southern edges of The Avenue the development comprises predominantly blocks of flats ranging in size and design.

The Downs Hill Conservation Area was designated in 1989 and the Council adopted a Supplementary Planning Guidance (SPG) document for the Downs Hill Conservation Area which was the subject of public consultation.

The Conservation Area is broadly characterised by detached dwellings, unified by their age and their incorporation of neo-Tudor and neo-vernacular elements, including timber beams and cottage effect modest dormer windows.

### **Consultations**

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

- While the proposal has attempted to overcome the concerns expressed by the Planning Inspectorate, the plans represent an overdevelopment of the site
- Second floor/three storey accommodation is not a feature common to the character of the Conservation Area and while the Inspector did not explicitly state that three storey development was unacceptable, reference was made of the mass of development close to neighbouring properties and the bulk and scale of the proposals being informed by the deep roof accommodating a second floor
- The lack of garages does not conform with neighbouring and nearby properties. The increased hardstanding would reduce the green open space on the site
- The first floor balconies would set a precedent and result in loss of privacy
- The footprint is too big and there would be inadequate garden space
- Lack of parking would result in overflow parking in Downs Hill
- The ridgeline of the proposals are higher than adjoining properties
- The proposals would result in the loss of views of the large host garden and landscaping, detrimental to the Conservation Area

A letter of support has been received which can be summarised:

- Two family houses are an acceptable solution for the development of the site
- The present site and the entrance to The Avenue is unsightly and the latest proposal will enhance the entrance, improving the road surface and the proposed landscaping to the frontage

### Technical Comments

#### Advisory Panel for Conservation Areas

No objections were raised.

#### Environmental Health

There are no objections to the scheme. If permission is granted, a condition relating to Air Quality Management is recommended.

## Thames Water

There are no technical objections to the proposal from a water and sewerage infrastructure capacity perspective.

## Highways

The site is located in an area with a PTAL rate of 2. The current application for two dwellings is an improvement from a highways perspective on the previous proposals and the level of parking for the proposed development is acceptable. Cycle parking should be relocated as close to the entrance of the proposed development in order that convenience and security may be maximised.

## **Planning Considerations**

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

- BE1 Design of New Development
- BE11 Conservation Areas
- BE12 Demolition in Conservation Areas
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side space
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

Supplementary Planning Guidance 1 & 2.

Supplementary Planning Guidance: Downs Hill Conservation Area.

The Council is preparing a Local Plan. A period of consultation on the proposed draft Local Plan (under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended) ran from November 2016 and closed on December 31st 2016. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in 2017.

- |                 |                               |
|-----------------|-------------------------------|
| Draft Policy 1  | Housing Supply                |
| Draft Policy 64 | Housing Design                |
| Draft Policy 30 | Parking                       |
| Draft Policy 37 | General Design of Development |
| Draft Policy 8  | Side Space                    |
| Draft Policy 11 | Conservation Areas            |
| Draft Policy 73 | Development and Trees         |

The application falls to be considered 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
- 5.12 Flood Risk Management
- 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
- 7.8 Heritage Assets and Archaeology
- 7.21 Trees and Woodland
- 8.3 Community Infrastructure Levy.

The Mayor's Housing Supplementary Planning Guidance.

The National Planning Policy Framework, with which the above policies are considered to be consistent.

### **Planning History**

81/01123 Permission refused for two detached houses

82/01136 Permission refused for four terraced dwellings

Both these applications relate to the erection of No. 59 and No. 59a on land that was formerly part of No. 61. The refusal of two dwellings under ref. 81/01123 was subsequently allowed at appeal.

15/02906

Under reference 15/02906 planning permission was refused for the demolition of the existing dwelling and the erection of 2 part two/three storey flatted blocks. Permission was refused on the ground:

"The proposals, by reason of the size, height, bulk and massing of the buildings, would result in an overdevelopment of the site and would fail to preserve or enhance the character and appearance of the Downs Hill Conservation Area, thereby contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan and Policy 3.5 of the London Plan."

A subsequent appeal against the refusal of planning permission was dismissed.

The Inspector identified "unifying factors" within the Conservation Area, including the widespread use of bay windows, applied timber framing and white rendering, with a cottage effect in some dwellings achieved through the provision of small dormers set into the roof.

The Inspector considered that the substantial footprint and volume of the buildings would have meant that the proposal would have appeared cramped and out of keeping with the surrounding area. In particular, she referred to the small gap provided between the buildings and the consequent relationship between the buildings being very close when compared to most other buildings in the conservation area. The Inspector further referred to the bulkiness of the roof forms of the proposed buildings, incorporating a central flat roofed element which would have appeared much bulkier when compared with other more traditional roof forms in the area, while noting that the overall roof heights would have been broadly consistent with 59A and the general increase in ridge heights along Downs Hill.

In conclusion, it was found that the proposed development would have failed to preserve or enhance the character and appearance of the conservation area, with particular concern expressed as summarised above, regarding the cramped nature of the development, lack of space between the buildings and the bulkiness of the roof forms.

#### 14/03502

Under reference 14/03502 planning permission was refused for the demolition of the existing detached dwelling and the erection of two storey buildings with accommodation within the roofspace to provide eight two bedroom flats. The previously refused proposal incorporated 12 car parking spaces accessed via a total of 3 vehicular access points (2 new vehicular accesses and the retention of the existing access). Planning permission was refused on the following grounds:

"1. The proposals, by reason of the size, height, bulk and massing of the buildings, would result in an overdevelopment of the site, which would fail to preserve or enhance the character and appearance of Downs Hill Conservation Area, thereby contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan and London Plan Policy 3.9.\*

2. The proposed rear balconies would result in overlooking of neighbouring properties which would be detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan."

\*The appeal Inspector acknowledged at the subsequent appeal that this was a typographical error and that rather than Policy 3.9, Policy 3.5 of the London Plan was relevant.

A subsequent appeal against the Council's refusal of planning permission was dismissed under reference APP/G5180/W/14/3001656. The Inspector considered that the main issues for consideration were the character and appearance of the Conservation Area and the impact of the proposals on residential amenity.

With regards to the impact of the proposal on residential amenity, referred to in reason 2 of the Council's decision notice, the Inspector found that the screening and distance between the existing and proposed development would mitigate the level of overlooking to an acceptable extent. He also considered that although the

scheme may have resulted in some additional overshadowing of neighbouring properties, that impact was not significant and that there would not be a conflict with Policy BE1 in respect of the impact of the proposals on residential amenity.

With regards to the impact of the proposal on the character and appearance of the area, however, the Inspector found that the scheme would fail to preserve or enhance the character and appearance of the Conservation Area. The Inspector reasoned that the appeal site is prominently located and elevated above the road junction. The depth of two storey development was considered to be greater than both neighbouring properties, and the height and depth of development, including a deep roof accommodating a second floor, would "give each block a substantial bulk and scale."

He considered that "The mass of development so close to neighbouring buildings would cause the scheme to have a cramped and dominant appearance, which would contrast unfavourably with the more spacious characteristics of the CA."

The two new driveways would to an extent offset the retention of trees along the site's frontage and the additional proposed landscaping, opening up some views into the site from the highway. At paragraph 14 of the decision notice the Inspector stated: "The 3 driveways together with hardstanding areas for 12 cars to the front and side of the buildings, and residents' bin enclosures, would result in a more intensely used and urban character, which would contrast markedly with the CA's established character of single detached dwellings, and its semi-rural appearance."

In conclusion, the Inspector found:

"It is each block's substantial massing so close to neighbouring development, together with the introduction of large areas of parking, driveways and other facilities towards the front of this prominent plot that would harm the streetscene, and make the proposal significantly at odds with other development in the CA."

## **Conclusions**

The current proposal seeks to overcome the grounds for refusal in respect of the previous application and the deficiencies in the scheme identified by the appeal Inspector in dismissing the subsequent appeal against the Council's refusal of planning permission.

The main issues in the determination of this application are considered to be the impact of the proposal on the visual amenities of the area in general and the impact of the proposal on the character and appearance of the Downs Hill Conservation Area in particular. In addition, the impact of the proposals on residential amenity falls to be considered.

### Impact upon residential amenity

It is important to note that in neither of the appeals regarding the previous schemes has the Inspector in that case found that there would be a conflict with Policy BE1's requirement that development should respect the amenities of neighbouring occupants. The refusal of application 14/03502 included a ground of refusal

relating to the impact of the scheme on residential amenity which was not supported by the Inspector in dismissing the scheme at appeal. The subsequent application 15/02906 was refused solely on the grounds of the visual impact of the scheme and its failure to preserve or enhance the character and appearance of the Conservation Area.

The current scheme is not considered to have an appreciably greater potential impact on residential amenity than the previous proposals. It is noted that concerns have been expressed with regards to the impact of the proposal on the amenities of neighbouring dwellings, referring in particular to loss of privacy occasioned by the rear first floor balconies. However, the previous scheme also incorporated rear balconies which were not considered to have a significant impact on residential amenity. In the previous scheme the balconies would arguably have been likely to have been more intensively used as a consequence of their serving flatted development rather than family dwellings with private rear gardens.

Notwithstanding the conclusion in both previous schemes that the proposals would have had no significant impact on privacy, the applicant has amended the current scheme to provide a brick screen which would considerably reduce the potential for sideways overlooking to neighbouring properties to the north and west of the application site.

#### Impact of the proposal on the visual amenities of the area and the character and appearance of the Conservation Area

It has been acknowledged at appeal that the Council has no objection in principle to the loss of the existing building as the house itself is not considered to be of any particular architectural merit. The Inspector in each case has not disagreed with this view.

A summary of the differences between the current scheme and the previously unsuccessful proposal may be helpful in reaching a conclusion regarding the extent to which the current proposal has addressed the adverse impacts identified by the Inspector in dismissing the previous appeal.

From the perspective of built form upon the application site, the individual dwellings would be 5m apart in comparison with the 1.9m space provided between flatted blocks A and B under reference 15/02906 and 2.6m space provided under reference 14/03502.

The flank elevation of dwelling A would be sited a similar distance from the western boundary to that refused under reference 15/02906 but separation to the northern boundary has increased from 1m in application 14/03502 and 2m in application 16/05164 to 2.85m.

The front elevation of each proposed dwelling is set further back from the respective front boundaries of the proposed dwellings than the flatted development previously proposed and the overall bulk of the second floor accommodation is less prominent than that proposed under 15/02906, with the roof/second floor accommodation being less immediately appreciable. In providing 2 dwelling

houses rather than 8 flats and the overall decrease in the footprint of proposed development on the site, the proportion of the site given over to buildings and hardstandings has reduced.

It is considered that the proposals represent a significant improvement over the previous scheme in that the design, scale and siting of the proposed dwellings would more readily complement the character and appearance of the Conservation Area. There has been a substantial reduction in scale and site coverage over previous applications, and the design of the new houses is traditional and would not cause harm to the Conservation Area.

It is acknowledged that the proposal would result in a larger proportion of the site being developed than is currently the case. However, while the development would result in the loss of the host dwelling and infill development between the existing dwelling and the boundary with No. 59a, the separation of the buildings in relation to each other and to the northern boundary would, in tandem with the overall reduction in bulk and the footprint of the development, result in the development retaining a level of spaciousness appropriate to the Conservation Area setting.

### Conclusions

It is considered that the access and parking levels proposed are acceptable to serve the needs of future occupants.

With regards to the impact of the proposal on residential amenity, the proposed scheme would not project significantly to the front or rear of neighbouring dwellings and adequate side space is retained to ensure that the proposed dwellings would not have a detrimental impact on the residential amenities of established adjacent dwellings. While the balconies at the rear may afford some mutual overlooking of the proposed rear gardens of the dwellings on the site, it is not considered that this would be significantly detrimental to the amenities of the prospective occupants, and the provision of brick screening effectively restricts potential views from the balconies to existing neighbouring dwellings.

The separation between the dwellings, their design and their siting in relation to the proportions of the plot would preserve the character and appearance of the conservation area and would result in development of a form, design and scale commensurate with other dwellings in the immediate locality.

In view of the orientation of the dwellings in relation to each other, the proportions and layout of the development and the Conservation Area location of the site, if permission is granted it would be appropriate to remove the permitted development rights ordinarily associated with dwellinghouses in order to prevent an overdevelopment of the site and to ensure that the impact of future development on residential amenity may be fully assessed.

**As amended by documents received on 25.01.2017 15.12.2016**

## **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 the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed 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 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.**

- 5 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and**

**the means of enclosure shown on the approved drawings 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.**

- 6 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.**

- 7 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.**

- 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 The application site is located within an Air Quality Management Area declared for NO<sub>x</sub>. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NO<sub>x</sub> demission rate of <40mg/kWh.**

**Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area, to accord with the National Planning Policy Framework and Policy 7.14 of the London Plan.**

- 10 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 the interest of the visual and residential amenities of the area and to prevent an overdevelopment of the site, in accordance with Policies BE1 and H7 of the Unitary Development Plan.**

- 11 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 the interest of the visual and residential amenities of the Conservation Area and to accord with Policies BE1, BE11 and H7 of the Unitary Development Plan.**

**You are further informed that :**

- 1 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](mailto: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](http://www.bromley.gov.uk)**
- 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](http://www.bromley.gov.uk/CIL)**

- 3 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 Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.**