

SECTION '2' – Applications meriting special consideration

Application No : 16/05429/FULL1

Ward:
Chelsfield And Pratts
Bottom

Address : Little Lavender Orchard Road Pratts
Bottom Orpington BR6 7NT

OS Grid Ref: E: 547241 N: 162375

Applicant : Mr & Mrs J Merron

Objections : YES

Description of Development:

Demolition of existing dwelling and detached garage, and erection of detached two storey 5 bedroom dwelling with parking and detached part one/two storey 4 bedroom dwelling with attached double garage and associated parking

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
Adjacent Green Belt
London City Airport Safeguarding
Open Space Deficiency

Proposal

It is proposed to demolish the existing dwelling and detached garage, and erect 2 detached two storey dwellings in a slightly staggered form on the site. The dwelling on Plot A would be a 4 bedroom dwelling with an attached double garage and would be located within the northern part of the site adjacent to Orchard House, Hedgerows and Westmount to the rear. The dwelling on Plot B would be a 5 bedroom dwelling with parking to the front which would be located within the southern part of the site adjacent to Nos.7 and 9 Ringwood Avenue, and would be set forward of the dwelling on Plot A.

The proposed dwellings would have a separation of 6.2m between them, and dwelling A would be set back 9.8m from the northern boundary of the site, whilst the garage would be set back 3.9m from this boundary, and dwelling B would be set back 8.8m from the southern boundary of the site.

The existing driveway would be retained and extended to serve both dwellings.

Location

Little Lavender is a detached two storey dwelling which was built around 2000 to replace the previous bungalow under permission ref.99/03336. A detached garage is provided to the north-west of the dwelling, and the site slopes downwards from

east to west. The property is situated in a secluded position at the end of a narrow unmade access road leading from Orchard Road, and lies within Orchard Road Area of Special Residential Character (ASRC).

The site is bounded to the west by dwellings fronting Rushmore Hill which are set at a lower level, and to the south by properties in Ringwood Avenue and Runciman Close. To the north lies Orchard House, which is a detached chalet bungalow set within spacious grounds, and the rear garden of Hedgerows which fronts Orchard Road, whilst the rear garden of Westmount is adjacent to the eastern boundary of the site. The south-eastern corner of the site adjoins the Green Belt.

Consultations

Nearby owners/occupiers were notified of the application and representations were received, including from Pratts Bottom Residents' Association, which can be summarised as follows:

- overdevelopment of the site
- out of character with the general pattern of development in the area
- detrimental to the spatial characteristics of Orchard Road ASRC
- previous proposals for two dwellings on this plot have been refused and rejected on appeal
- loss of outlook from neighbouring properties
- increased use of access road would affect the amenities of nearby properties.

A Ward Councillor has called the application into committee.

Comments from Consultees

No highways objections are raised to the proposals which provide adequate parking and access. The site is at the end of a private drive and it may be damaged during the construction period, but as the Council have no responsibilities for the drive, an agreement would need to be reached with the owners of the access regarding any repairs.

With regards to drainage, there is no surface water sewer near to the site therefore further details of surface water drainage should be submitted by way of a condition.

Thames Water raises no objections.

Environmental Health (Housing) raise no objections to the proposals as long as natural light and ventilation standards are achieved in all habitable rooms.

Planning Considerations

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

BE1 Design of New Development

H7 Housing Density and Design
H9 Side Space
H10 Areas of Special Residential Character
G6 Land Adjoining Green Belt
T3 Parking
T18 Road Safety
NE7 Development and Trees

The Council is preparing a Local Plan and commenced a period of consultation on its proposed submission draft of the Local Plan on November 14th 2016 which closed on December 31st 2016 (under The Town and Country Planning (Local Planning) (England) Regulations 2012 as amended). It is anticipated that the draft Local Plan will be submitted to the Secretary of State 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. The relevant policies are as follows:

Draft Policy 4 - Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 44 - Areas of Special Residential Character
Draft Policy 53 - Land Adjoining Green Belt
Draft Policy 73 - Development and Trees

London Plan (2015) Policies:

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking

Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Housing Supplementary Planning Guidance (2016)

The National Planning Policy Framework (NPPF) is also a consideration.

Planning History

This site has a lengthy planning history comprising refused planning applications and dismissed appeals for residential development both before and after the replacement dwelling was built in 2000 under ref.99/03336.

Prior to 2000, permission was refused in 1990 for 3 detached dwellings on the site (refs.90/00560 and 90/00561), and an appeal against 90/00560 was dismissed in 1991. An appeal was also dismissed in 1999 (ref.99/00357) for an outline proposal for the erection of 2 dwellings on the site.

An appeal was dismissed in 1998 on a larger site incorporating Little Lavender and No.2 Orchard Road (ref.97/02981) for an outline scheme comprising 4 dwellings.

After the replacement house was built, permission was refused and dismissed on appeal in 2001 (ref.00/02801) for an additional dwelling and detached garage within the western part of the site, and a later application for a dwelling with an attached garage in a similar position (ref.01/03211) was also dismissed on appeal in 2002.

Conclusions

The main issues in this case are whether the proposals would result in an acceptable amount and standard of development on the site, and the impact of the proposals on the character and spatial standards of Orchard Road ASRC, on the amenities of neighbouring residential properties, on parking provision and road safety in the highway, on important trees on the site, and on the adjacent Green Belt.

Density and standard of accommodation

Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan (2015) gives an indicative level of density for new housing developments, and in this instance, the proposal represents a density of 6 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in a suburban area with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan.

However, the proposals need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

The proposals comprise a two storey 5 bedroom 10 person dwelling with a floor space of 250sq.m., and a two storey 4 bedroom 5 person dwelling with a floorspace of 253sq.m. The London Plan suggests that the minimum size of a 5 bedroom 8 person dwelling over two storeys should be 128sq.m., and the minimum size of a 4 bedroom 5 person dwelling over two storeys should be 97sq.m. Each dwelling would therefore exceed this standard.

The agent has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and would therefore comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

Impact on character and spatial standards

The application site lies within Orchard Road Area of Special Residential Character (ASRC), and Policy H10 of the UDP requires new development to respect and complement the established and individual qualities of the area. Orchard Road ASRC is described as a pleasant, semi-rural residential area, with individually designed detached properties in very generous plots. The area is considered to have distinctive high spatial characteristics with properties set on large plots well back from the gravel road, and is distinguishable from the nearby properties by the large plot sizes.

The application site forms a large plot of some 0.36ha in area, and the amount of built development on the site would increase from 304sq.m to 533sq.m. as a result of the proposals.

The Inspector in the 1999 dismissed appeal for the replacement of the previous bungalow with 2 detached houses (which was submitted in outline form under ref.99/00357), considered that the size of the proposed buildings (with a combined floor area of 700sq.m.), the loss of some protected trees, and the increased activity from the large dwellings proposed in a sensitive location at the end of many peoples' rear gardens, would unacceptably harm the character and appearance of the surrounding area.

In dismissing the most recent appeal in 2002 (ref.01/03211) which was for the addition of a second two storey dwelling on the site (permission having previously been granted for the replacement of the bungalow with a single two storey dwelling), the Inspector identified that the southern part of Orchard Road which lies within the ASRC had a semi-rural character and appearance with large dwellings set within spacious plots. He commented that the existing dwelling at Little Lavender was set into the site away from the site entrance, as were its neighbours at Orchard House and Meadowlands, and he found that this contributed to the character and appearance of the surrounding area, whilst the proposal to site an additional dwelling within the south-western part of the site would be harmful to the character and spaciousness of the ASRC. The Inspector specifically commented that "...with a second house, the site would no longer share the spaciousness of

Orchard Road..." which suggests that an additional dwelling on this site would in itself be harmful to the character of the area, although each proposal must be assessed on its individual merits.

It is acknowledged that the demolition of the existing dwelling would allow the new dwelling on Plot B to be located further eastwards into the site than previously proposed so that it would not be so clearly seen from the access road, and that the floor areas may be less than in some of the previous schemes, however, the proposals would still result in the subdivision of the plot and the provision of two large dwellings which would be harmful to the semi-rural character and spaciousness of the area.

Previous Inspectors also found that the increase in the use of the access track to serve two rather than one dwelling, whilst not great, would add to the harm to its semi-rural nature and appearance.

The current proposals have not therefore adequately addressed the previous concerns of the Appeal Inspectors with regards to the detrimental impact on the semi-rural character and spatial standards of the ASRC.

The applicant contends that the plot ratio of the development (a comparison of the footprint with the site area) would be typical of the area and similar to a development permitted in 2000 (ref.99/03022) for the redevelopment of St Martins at the eastern end of the ASRC with two dwellings. Although the plot sizes of Little Lavender and the original site of St Martins are similar, Little Lavender is situated in a much more sensitive location within the ASRC, being adjacent to the private rear gardens of a number of properties, some of which have very limited amenity areas. In any case, each proposal must be considered on its own merits, having regard to all material considerations including previous appeal decisions.

Impact on residential amenity

With regard to the impact on neighbouring residential properties, the proposed dwelling within the northern part of the site on Plot A would be closer to the northern boundary with Orchard House and Hedgerows than the existing dwelling, but a separation of 3.9m from the garage and 9.8m from the main house would still be provided. The dwelling would be situated a good distance from the adjacent dwellings, and would not cause any undue overlooking or loss of outlook from these properties.

The proposed dwelling in the southern part of the site on Plot B would be set back 8.8m from the southern boundary with Nos.7 and 9 Ringwood Avenue, and would have a low ridgeline of 7.5m. Although it would bring built development closer to the dwellings in Ringwood Avenue, there is good screening along this boundary, and the facing first floor flank windows would be obscure glazed. The proposals are not therefore considered to result in loss of light, privacy or outlook from these properties.

The proposed dwellings would have a separation of 6.2m between them, and dwelling A would be set back towards the rear of dwelling B. There would be

minimal overlooking and loss of outlook from the properties, and the proposals would not therefore be detrimental to the amenities of future occupiers.

Overall, the proposed development is not considered to result in a significant loss of amenity to neighbouring properties and future occupiers.

Impact on parking and road safety

The Council's Highways Officer has raised no objections to the proposals in terms of the parking provision for the new dwellings and the means of access, subject to safeguarding conditions regarding arrangements during the construction period.

Impact on trees

There appears to be sufficient space within the site to accommodate the proposed dwellings, and the impact on the retained trees can be reduced through the implementation of tree protection measures.

The proposals are not therefore considered to be harmful to important trees on the site.

Impact on adjacent Green Belt

The site adjoins the Green Belt at its south-eastern corner, but the proposed houses would be set back 18-25m from the corner boundary. There is a large amount of tree screening along this boundary, and the proposals are not considered to adversely affect the openness or rural character of the adjacent Green Belt.

Conclusions

Whilst the proposed development is not considered to have a detrimental impact on residential amenity, parking, road safety, trees or the adjacent Green Belt, it would be harmful to the semi-rural character and spaciousness of the Orchard Road ASRC, and the increase in the use of the access track to serve two rather than one dwelling would add to this harm.

as amended by documents received on 31.01.2017

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed development would, by reason of the intensification of the use of the plot to provide two dwellings and the resulting increased activity along the access track, would have a seriously harmful effect on the semi-rural character and spaciousness of Orchard Road Area of Special Residential Character, thereby contrary to Policies H7, H10 and BE1 of the Unitary Development Plan.**