

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

**Application No :** 17/00474/FULL1

**Ward:**  
**Hayes And Coney Hall**

**Address :** 53 Kechill Gardens Hayes Bromley BR2  
7NB

**OS Grid Ref:** E: 540392 N: 167128

**Applicant :** Mr Paul Nevard

**Objections : YES**

**Description of Development:**

Erection of one x two storey, 3-bed attached dwelling (amendments to planning permission reference 16/01129 (allowed on appeal) to include amendment to roofline, additional ground floor window and single storey rear extension)

**Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
River Centre Line  
Smoke Control SCA 51

**Proposal**

The site is a semi-detached two storey dwelling house located to the northern end (cul-de-sac) and on the west side of Kechill Gardens. The immediate vicinity comprises a mix of semi-detached two storey and bungalow development.

The application proposes the erection of one x two storey, 3-bed attached dwelling to 53 Kechill Gardens - amendments to planning permission reference 16/01129 to include amendment to roofline, additional ground floor window and single storey rear extension.

**Consultations**

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

- o Out of character
- o Cramped, Over-development
- o Parking - narrow
- o Concern with access for emergency vehicles
- o Extensive and contentious planning history - should just build extension
- o Removes further green space
- o Adds a window facing No 51
- o Landscaping to be agreed - should not include brick extension
- o Footprint is bigger than approved; application should be considered as a whole and not as an increment to the previous application to the terraced dwelling
- o Poor quality, unclear drawing
- o Application appears incomplete; description wrong. Siting is wrong on plan
- o Object to side window - impact on privacy to 51 and 49
- o Covenant in place which states only one dwelling on the land
- o There are trees on site
- o There are newts in the garden of No49. There may be newts at No 53
- o Object to rear extension - create further overlooking (diagonal to gardens at 51 and 49)

- o Restrictions during building should be applied
- o What are the boundary details to be?
- o Drainage
- o Opposed to appeal decision allowing development
- o Badgers have been seen on the site

No highways objections are raised to the proposal and a number of conditions are suggested in the event of a planning permission.

A representative from West Kent Badgers (WKBG) visited the site on 29th March 2017. Comments are as follows:

'The site is grossly overgrown but there is no evidence of badgers or a sett on the site. There was no sign of badger activity: dung pits, snuffle holes etc.

It is possible the badger or badgers that have been sighted in the area may have crossed the road from Hayes Street Farm where I do know there are badger setts. They are known to travel anything up to a mile at night so this is quite possible'.

### **Planning Considerations**

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

- o BE1 Design of New Development
- o H1 Housing Supply
- o H7 Housing Density and Design
- o H9 Side Space
- o T1 Transport Demand
- o T3 Parking
- o T5 Access for people with restricted mobility
- o T7 Cyclists
- o T16 Traffic management and sensitive environments
- o T18 Road Safety
- o IMP1 Planning Obligations

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration.

SPG No.1 - General Design Principles

SPG No.2 - Residential Design Guidance

London Plan

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable Design and Construction.
- 5.7 Renewable Energy
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.15 Water use and supplies

- 6.9 Cycling
- 6.13 Parking
- 7.2 An Inclusive Environment.
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture

Adoption of Minor Alterations to London Plan (MALP) and Housing SPG (2016)

### **Planning History**

There is a significant planning history which includes the following:

12/02589 - Part one/two storey side and rear extension - Permission

The side space to the southern boundary indicated on the plans the subject of this planning permission show 4.05m to the front tapering down to c 3.7m to the rear. The single storey rear element proposed a 3.5m rearward projection.

12/03353 - Two storey detached dwelling house. Planning permission was refused on the grounds that the proposal represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. The subsequent appeal against the refusal of planning permission was dismissed

13/00228 - Demolition of two storey extension and erection of two storey detached dwelling together with associated work to provide off street parking. Planning permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policy BE1 of the Unitary Development Plan and Policy 7.4 of the London Plan. An appeal against the Council's decision to refuse planning permission was dismissed.

13/03420 - Erection of two storey dwelling with garage and additional attached garage to serve 53 Kechill Gardens on land adjacent 53 Kechill Gardens. Permission was refused on the grounds that the proposal would have represented an overdevelopment of the site harmful to the spacious character of the surrounding area thereby contrary to Policies BE1 and H9 of the Unitary Development Plan and Policy 7.4 of the London Plan. A subsequent appeal against the Council's refusal was dismissed.

Under reference 14/02617 planning permission was refused and dismissed on appeal for the erection of an attached two storey 3 bedroom dwelling, with extensions and alterations. The Inspector found that the bulk of the extensions proposed, with the exception of a single storey garage, would have been very similar to that permitted under ref. 12/02589.

Planning application reference 15/03041 for part one/ two storey side and rear extension was granted permission subject to conditions.

Application reference 16/01129 for the erection of one x two storey, 3-bed attached dwelling and alterations to 53 Kechill Gardens was refused and subsequently allowed on appeal.

### **Conclusions**

The principle of the attached dwelling has been established by way of the most recent appeal decision. The main issues relating to this application are the effect that it would

have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties.

There is a substantial planning history to this site, set out above.

A number of neighbour concerns relate to the principle of the additional residential unit on the site, which has now been established (see planning history). In respect of the single storey rear element it is not considered that this, in terms of the cumulative development, will result in an overdevelopment of the site. It is noted that the Inspector did not consider it necessary to remove permitted development rights. Neighbour concerns are raised in respect of the impact of the additional single storey element on the neighbouring amenity. Given existing development, that No 53 is set to the north of Nos 51 and 49, the separation to the boundary and the extent of projection it is not considered, on balance, that development including the additional single storey element will have such a detrimental impact on neighbouring amenity as to raise a planning refusal ground. However, given this additional element, in the event of a planning permission consideration should be given to the application of condition to restrict permitted development rights.

A flank window is proposed which raises neighbour concerns in respect of impact on privacy/overlooking. A condition was applied to the appeal decision which stated:

'6) No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the southern elevations of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.'

The condition acknowledges that flank windows can create an unacceptable level of overlooking. In this case the revisions proposed seek the addition of a ground floor flank window to serve a study room. There is a glazed opening to the ground floor flank of No 51. It may be considered that the proposed flank window may not be unacceptable given that boundary treatments can be agreed by condition and at ground floor may not give rise to such an extent of overlooking as to warrant a planning ground of refusal.

In terms of the overall design, given the extant permission the revised roof design is considered acceptable.

No highway objections are raised to the proposal.

Badger sightings have been noted by local residents. No specific conditions relating to this are considered appropriate given the findings following a site visit by WKBG.

The possibility of newts on the site has been raised by nearby neighbours but no detailed information has been provided. Great crested newts are protected by law. Given local evidence of newts, and that the site has been untouched for some time it may be prudent to consider a survey of the site prior to any commencement of works.

Neighbour concerns continue to be raised in respect of restrictive covenants applicable to the site. Covenants are a private matter, not addressed within the planning considerations.

As noted by the Planning Inspector 'Due to the relatively small scale of the development, I have not felt it necessary to require construction vehicle wash down facilities'; restrictions during building works can be addressed by way of the Control of Pollution Act 1974.

Given the extant permission and having regard to the above the proposed revisions, subject to planning conditions, may be considered acceptable.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/00474 and any other applications on the site 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 appearance of the building and the visual amenities of the area**

- 3 Details of a scheme of landscaping, which shall include the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.**

- 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 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**

**6** No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the southern elevations of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

**7** 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.

**8** 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. A clearly labelled drainage plan should be submitted showing pipe networks and any attenuation soakaways where infiltration forms part of the storm water system such as soakaways, soakage test results and test locations should also be submitted in accordance with BRE digest 365 and calculations should demonstrate how the system operates during the 1 in 30 year critical duration storm event plus climate change.

**Reason:** To ensure satisfactory means of surface water drainage.

**9** 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, 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 comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**10** No part of the development hereby permitted shall be commenced prior to a general habitat survey and any associated remedial strategy, which should include nesting birds, invertebrates and breeding reptiles, being

**submitted to and approved in writing by or on behalf of the Local Planning Authority.**

**Reason: In order to avoid damage to and/or loss of protected species and to comply with Policy NE3 of Bromley's Unitary Development Plan**

**11 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**