

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

**Application No :** 17/01115/FULL1

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

**Address :** 5 St Clare Court Foxgrove Avenue  
Beckenham BR3 5BG

**OS Grid Ref:** E: 537996 N: 170154

**Applicant :** Mr D Sengupta

**Objections :** YES

**Description of Development:**

Conversion of roofspace into a two bedroom self-contained flat.

Key designations:

Area of Special Residential Character  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 12

**Proposal**

Planning permission is sought for the conversion of the existing roof space of 5-8 St Clare Court into a two bedroom self-contained flat.

5-8 St Clare Court comprises four existing flats set over two floors. The application site is located on Foxgrove Avenue, Beckenham which is located in an Area of Special Residential Character.

Members attention is drawn to a recent planning permission at No.1-4 St Clare Court that was approved by Members on 20th January 2017 under planning application ref:- 16/03847 for an almost identical application.

**Consultations**

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

- The site is unsuitable for conversion into an attic flat
- Loss of essential services in the attic (the attic space at present houses a water tank, mains water supply, piping and extensive electricity cabling.
- The plans show no detail as to how an additional access staircase would be extended from the existing first-floor landing up to the attic.
- The Council should not permit applications that are unfeasible to build and clearer sectional drawings should be provided by the applicant

- It is now proposed to cram a further flat into an 80yr old building whose structural stability could well be at risk.
- The development would lead to further parking congestion.
- The proposed side dormer would overlook the bedrooms of the next door flats.
- The rear dormers would overlook the playground of St Mary's primary school.
- The impact of the construction work would be devastating for the existing properties within the building.
- The vastly increased size of the dormer windows to the rear will be out of keeping with the architectural design of the building.
- The development would involve the removal of the existing chimneys
- Noise
- No details regarding fire escape provision
- Asbestos is present on the site
- Parking remains an issue as this is now the third development and the applicant is proposing six vehicles.

### **Consultee comments**

Highways - The site location has a PTAL rating of 1a (low) and as such a degree of car ownership could be expected to be associated with occupiers of the proposed 2 bedroom unit.

No on-site car parking is proposed although cycle parking for up to 8 cycles is indicated.

Foxgrove Avenue takes a crescent form and so does not carry through traffic, is not subject to waiting restrictions and appears to accommodate on-street parking on both sides without any significant detriment to the free flow of traffic or conditions of safety in the street.

In these circumstances the additional demand for on-street parking associated with one 2 bed unit should not have any significant highway impact.

There are thus no objections to this proposal from the highway point of view.

Please apply the following to any permission (Condition H22)

Drainage - no objections

Environmental Health (Housing) - no objection

Environmental Health (Pollution) - no objection

### **Planning Considerations**

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

BE1 Design of New Development  
H1 Housing Supply  
H7 Housing Density and Design  
H8 Residential Extensions  
T3 Parking  
T18 Road Safety

SPG1: General Design Principles  
SPG2: Residential Design Guidance

#### Draft Local Plan

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 mid-2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances.

Draft policies of relevance to the determination of the application comprise:

Draft Policy 37 (General Design of Development)  
Draft Policy 6 (Residential Extensions)

The application falls to be determined 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  
5.13 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  
8.3 Community Infrastructure Levy  
The Mayor's Housing Supplementary Planning Guidance 2016

#### National Space Standards

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

## Planning History

Under planning application reference:- 10/01670 planning permission was granted for 'conversion of existing basement storage area into 2 two bedroom flats and installation of new windows and doors to rear and side elevation. Formation of new storage cellar/communal store room/bicycle and bin store (at No. 1-8 St Clare Court).

Under planning application reference: 10/00880/AMD and amendment to internal layouts and replacement of entrance doors to flats A and B (with integral windows) with kitchen windows was refused.

Under planning application reference: 10/00880 planning permission was granted for 'conversion of existing basement storage area into 2 two bedroom flats and installation of new windows and doors to rear and side elevation. Formation of new storage cellar/communal store room/bicycle and bin store (at No. 1-8 St Clare Court).

Under planning application reference:- 09/02167 planning permission was granted for conversion of existing basement storage area into 2 one bedroom flats and installation of new windows to rear and side elevation. Formation of new storage cellar/communal store room/bicycle and bin store (at No. 1-8 St Clare Court) - Amended description.

(No.1-4 St Clare Court)

Under planning application reference:- 16/03847 planning permission was granted for 'conversion of roof space into a 2 bedroom self-contained flat, with dormer windows to the rear and flank elevation'.

Under planning application reference:- 16/00263 planning permission was refused for conversion of existing loft space to one bedroom flat with 6 x roof lights on front elevation, 2 x dormer windows and Juliet balcony on rear elevation. The reason for refusal read as follows:-

*"The proposed insertion of the six velux rooflights to the front elevation would be out of character with the prevailing pattern of roofscapes within the immediate locality and would represent a visually intrusive addition, harmful to the character and appearance of the Area of Special Residential Character, thereby contrary to Policies H8, H10 and BE1 of the Council's Unitary Development Plan".*

*"The proposed velux windows within the study of the proposed new flat do not provide a reasonable view or outlook and would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan".*

Under planning application reference:- 15/00503 planning permission was refused for conversion of the existing loft space into a 2 bedroom self-contained flat. The reason for refusal read as follows:-

*"The proposed front roof dormer would be out of character with the consistent rhythm of the prevailing pattern of roofscapes within the immediate locality and would represent a visually intrusive addition, harmful to the character and appearance of the area, as well as having a serious and adverse effect on the visual amenities enjoyed by occupants of neighbouring property, thereby contrary to Policies H8, H10 and BE1 of the Council's Unitary Development Plan".*

*"The proposed velux window within bedroom 2 of the proposed new flat do not provide a reasonable view or outlook and would be harmful to the amenities of the user of the habitable room contrary to Policy BE1 of the Unitary Development Plan".*

## **Conclusions**

The primary issues in the assessment of this planning application are:

- Principle of development
- The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality
- The quality of living conditions for future occupiers
- Impact on the amenity of neighbouring residents
- Highways and traffic issues

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

### *Principle of Development*

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of redevelopment in previously developed residential areas 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.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; 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; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

Planning permission has recently been approved at No.1-4 St Clare Court for an almost identical application under planning application reference: 16/03847. This

forms a material consideration in the determination of this application and has been submitted by the same agent.

*The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality*

The property is located on Foxgrove Avenue, Beckenham where there are a wide variety of differently designed large detached properties, and blocks of flats as in this case. Consistent character is, however, achieved through similar separation spaces, dwelling footprint and plot widths. The Foxgrove Avenue ASRC states that the area is in the main inter/post war with spacious rear gardens. The blocks of flats along this part of Foxgrove Avenue are all of a similar style and appearance. The proposed dormer windows are located on the rear & side elevation of 5-8 St Clare Court. The dormer window on the side elevation is relatively modest in its size and scale and will look out onto the roof area of No. 1-4 St Clare Court. The development being confined largely to the rear of the building is not considered to be out of keeping with the wider pattern of the street scene and neighbouring two blocks of flats.

There are no alterations proposed to the front roofslope and therefore the visual impact to the building, street scene and wider Foxgrove Road Area of Special Residential Character (ASRC) is unlikely to be harmed. The development will involve the removal of two existing chimney stacks.

*The quality of living conditions for future occupiers*

Policy 3.5 of the London Plan states the minimum internal floorspace required for residential units on the basis of the occupancy that could be reasonably expected within each unit. The floorspace of the proposed unit varies in size depending on the useable height area (owing to the sloping heaves height).

Table 3.3 of the London Plan requires a Gross Internal Area of 70sqm for a two bedroom, three person flat. The GIA of the proposed flat would be approximately 106sqm which is above the minimum for a two bedroom, three person flat.

Table 3.3 of The London Plan(May 2015) and the Draft Housing SPG (2015) state that 'The nationally described space standard sets a minimum ceiling height of 2.3m for at least 75% of the gross internal area of the dwelling. However, to address the unique heat island effect of London and the district density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The submitted drawings indicate that the bedrooms would meet the required headroom.

*Residential Amenity and Impact on Adjoining Properties*

The proposed use of the space as a flat will have an impact on the amenities of neighbours below and in adjacent properties through noise and disturbance. Several neighbours have stated that the building of the basement flat allowed in

2010 caused lots of noise, dirt, dust and debris. From a planning perspective this cannot be used a ground to substantiate refusal of the application.

The rear windows would overlook the playground of St Mary's primary school which is not considered to cause an impact in terms of amenity. The dormer window on the flank elevation would overlook the roof area of No.1-4 St Calre Court which again is not considered to cause an impact in terms of overlooking or a loss of privacy.

### Highways

Several of the neighbours have complained that there is no off-street parking and that there is already inadequate parking in the road with evenings and weekends being particularly troublesome. They maintain that to add another dwelling would generate additional traffic.

As part of the previous application the Highway Officer commented on the application and stated that the site lies within a low (1a) PTAL area. A Parking Survey was submitted as part of the previous application and no objection was raised.

### Other matters

It is acknowledged that concern has been expressed regarding the means of construction and structural impact of the proposal on the host building, including the need to relocate the utility supplies in the existing loft space. These matters are considered to be outside of planning control and would be addressed by separate legislation and guidance, including the Building Regulations.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/17/01115 & 16/03847 as 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 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

**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** 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.

- 4** 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:** 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.

- 5** 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.

You are further informed that:

- 6** 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)

- 7 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)