

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

Application No : 17/00758/FULL1

Ward:
Copers Cope

Address : 9 St Clare Court Foxgrove Avenue
Beckenham BR3 5BG

OS Grid Ref: E: 537994 N: 170143

Applicant : Mr D Sengupta

Objections : YES

Description of Development:

Conversion of basement storage into 1 bedroom flat (resubmission of planning application reference: 16/03932/FULL1)

Key designations:

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

Proposal

Planning permission is sought for conversion of the existing basement storage into a one bedroom flat. The application is a resubmission of an identical application refused planning permission on 20.01.17 under planning application reference: 16/03932.

Location

The application site is located at Nos. 9-10 St Clare Court, Foxgrove Road, Beckenham and is within the Foxgrove Road Area of Special Residential Character (ASRC). The application site is a detached building located on the eastern side of Foxgrove Avenue, Beckenham.

St Clare Court currently consists of three blocks of two storey buildings adjacent to each other.

The land slopes steeply towards the east where a communal garden is provided which is accessed through a steeply sloping shared driveway. This drive also provides access to the existing garages and store rooms located underneath the existing flats.

Consultations

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

- o The developer is already in breach of the previous basement application.
- o The site is already over developed
- o The impact of the construction work would be devastating for the existing properties
- o There is restricted standing heights will the existing coal cellar/basement. The property was built in c1930 and it is unlikely that the foundations will be adequate to take the extra load.
- o There is inadequate parking in the road
- o In order to provide normal head room (2.5m) together with insulated/damp-proofed/sound-proofed ceilings and floors the proposed self contained flat would entail excavating to a depth of some 1.5m below the existing ground and floor level.
- o The excavation would seriously impact the access to Flat 8a.
- o The privacy of residents in Flat 8a will be severely impacted by the proposal.
- o The proposed development holds common parts of the buildings for flats 9 and 10. It holds the pipework and boilers to the building.
- o The noise, disturbance and inconvenience for other residents in the block
- o Lack of light to potential occupiers and privacy
- o The construction work will be devastating for existing residents
- o St Clare Court holds charm. To change its face is most undesirable and would change the outlook of Foxgrove Ave for other residents in the street that enjoy their outlook and current building. The proposal would not enhance the building but would only serve to spoil its charm.

Full copies of all the objection letters submitted can be found on the application file.

Consultee comments

Environmental Health (Housing) - comments available on file.

Environmental Health (Pollution) - no objection

Thames Water - no objection

Drainage - no comment

Waste Services - no comments received

Highways -

The development is for conversion of basement storage to 1 bedroom unit. As there is a correlation of car ownership and type of dwelling people reside, this

suggests that the occupier of this unit will not own car. Furthermore I am of the opinion that the development would not have a significant impact on the parking in the surrounding road network. Therefore I raise no objection to the proposal.

The applicant should provide 1 cycle parking spaces within the site's curtilage for the occupiers of the development.

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
- H10 Area of Special Residential Character
- T3 Parking
- T18 Road Safety

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)

In addition, Supplementary Planning Guidance is a material planning consideration.

- SPG1: General Design Principles
- SPG2: 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
- 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
- 8.3 Community Infrastructure Levy

The Mayor's Housing Supplementary Planning Guidance
National Housing Standards

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

Planning History

Under planning application ref: 16/03932 planning permission was refused for conversion of basement storage into no.1 bedroom flat. The reason for refusal read as follows:

The proposed windows within the living room do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan.

The proposed basement conversion would not comply with the required head heights contrary to Policy 3.5 of the London Plan.

Under planning application ref: 15/01235 planning permission was refused for conversion of basement storage area into self-contained flat. The reason for refusal read as follows:-

The proposed windows within the bedrooms of the proposed basement flat do not provide a reasonable view or outlook and the kitchen and bathroom do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to Policies BE1 and H11 of the Unitary Development Plan and the Mayors Housing SPG.

The proposal would lack adequate on-site car parking resulting in increased stress on existing on-street parking in the area and leading to concerns regarding highway safety, Furthermore the applicant has failed to demonstrate that adequate cycle parking could be accommodated on the site. Consequently the proposal is contrary to Policies T2, T3 and T18 of the Unitary Development Plan and Policy 6.3 of the London Plan.

(No.1-4 St Clare Court)

Under planning application ref. DC/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 the rear and side elevation. Formation of new storage cellar/communal store room /bicycle and bin store.

Application reference: 10/01670 was similar to that approved under DC/10/00880. The internal layout was varied to create a central hallway and the layout of the flats was varied on the advice of the Council's Fire Officer that there was inadequate means of escape.

Under planning application reference:- DC/10/00880/AMD an amendment to the internal layouts and replacement of entrance doors to flats A & B (with integral windows) with kitchen windows was refused (at No.1-8 St.Clare Court).

Under planning application reference:- DC/10/00880 planning permission was granted for the conversion of the existing basement storage area into 2 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).

Conclusions

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

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

The National Planning Policy Framework (NPPF) promotes the efficient and sustainable use of land for housing. Policy H7 of the UDP outlines the criteria that applications for new housing must meet. It requires the site layout, buildings and level of amenity space to be in keeping with the surrounding area. The Council will

therefore resist proposals that would undermine local character or that would be likely to result in detriment to existing residential amenities.

Bromley's 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".

The site is located within a predominantly residential area where the Council will consider residential infill 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.

The provision of an additional dwelling by converting the existing basement needs to be considered 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.

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 Area of Special Residential Character 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 eleven flats located within the three blocks were constructed during the 1930's and the basement areas below flats 1-8 & 9-10 were originally used for the storage of coal and now forms part of a large storage area for residents of these flats.

The proposed changes will require both internal and external changes on the flank and rear elevations with windows and bi-folding doors to the rear to provide adequate means of escape in the event of a fire. A new entrance door is proposed together with larger windows on the north-east flank elevation.

In terms of the impact of the proposal on the visual amenities of the area in general and upon the character and appearance of the Area of Special Residential Character, it is considered that the siting of the development at the side and rear of the property and the works to the ground level would result in the proposal having an acceptable impact. The formation of the basement would not harm the character and appearance of the Area of Special Residential Character and the

excavation, whilst causing noise and disturbance to existing residents would not be detrimental to the appearance of the host building.

The quality of living conditions for future occupiers

Table 3.3 of The London Plan 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 basement flat would only have a ceiling height of 2.4m (external measurement) which would result in the flat not meeting the required standard.

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 & National Housing Standards requires a Gross Internal Area of 50sqm for a one bedroom, two person flat. With regard to the above it appears that the size of the flat complies with the minimum space standards (measuring approximately 65sqm) contained in the London Plan.

The proposed flat would comprise two habitable internal living spaces, a kitchen, bathroom and bedroom. Whilst the outlook to the rear would be to the garden the flank elevation would look directly onto the flank elevation of Flat 8a. As well as overlooking and a loss of the privacy this outlook to a narrow passageway would result in the occupiers experiencing the feeling of being hemmed in as a result of the limited separation between the new flat and No.8a. The flank elevation is north facing and the proposed development would result in a dark and claustrophobic living space for future occupiers. The only natural light would come from the rear elevation only. Furthermore the kitchen and bathroom do not benefit from any natural light.

While these aspects of the application scheme may not deter some prospective occupiers, the National Planning Policy Framework places considerable emphasis on the importance of making places better for people. A core principle of the Framework also seeks to ensure that a good standard of amenity is secured for all occupants of land and buildings. It is considered that while the proposal would result in the enlargement of the host flat, the standard of the accommodation provided within the formed basement would not be of a satisfactory standard of amenity, contrary to Policy BE1 of the Unitary Development Plan which seeks to secure extensions of a high standard of design and outlook which respects the amenity of future occupants.

Residential Amenity and Impact on Adjoining Properties

It is acknowledged that the period of construction would result in some noise and disturbance to the existing residents in the flats of 1-8 St Clare Court as well as No.9&10. However these matters are outside of planning control and the application falls to be considered on the basis of the information submitted with the application in relation to the planning policies and guidance pertinent to the case. Several neighbours have stated that the building of the basement flat at No.1-8 allowed in 2010 caused lots of noise, dirt, dust and debris.

The privacy of the residents of Flat 8a, the basement of Block 5-8, will be impacted by the proposal. There will be a front door and two sets of windows in the proposed conversion which will overlook Flat 8a. The resultant overlooking and lack of privacy is considered to be unacceptable given the alleyway between the two properties would be no more than a couple of metres wide.

Highways

The site is within a low (1a) PTAL area. No additional parking has been provided as part of the application and as the Highways Officer as part of the previous application stated the development would not have a significant impact on the parking in the surrounding road network.

Several of the neighbouring residents 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. Residents have also stated that there is no useable space to erect cycle storage racks.

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 potential for water ingress. These matters are considered to be outside of planning control and would be addressed by separate legislation and guidance, including the Building Regulations.

Summary

In summary, while the general principle of a conversion may not be considered inherently out of character given the Council's decision to grant planning permission for a basement conversion at No.1-8 St Clare Court the proposal fails to provide adequate natural light and ventilation to the property therefore contrary to strategic policies in the London Plan and relevant design and housing policies within the UDP. The development would also not meet the required head height and a loss of privacy and mutual overlooking would also result if the proposed development was built.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/17/00758 & 16/03932 set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1) The proposed windows on the flank elevation do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan.**
- 2) The proposed basement conversion would not comply with the required head heights contrary to Policy 3.5 of the London Plan.**
- 3) The proposed windows on the flank elevation would lead to a loss of privacy and mutual overlooking of Flat 8a of 5-8 St Clare Court contrary to Policy BE1 of the Unitary Development Plan.**