

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 17/01588/OUT

Ward:
Petts Wood And Knoll

Address : 24 Keswick Road Orpington BR6 0EU

OS Grid Ref: E: 545955 N: 166439

Applicant : Mr Rafael Porzycki

Objections : YES

Description of Development:

Demolition of existing dwelling and detached garage at rear, and erection of 2 two storey 4 bedroom semi-detached dwellings with accommodation in roofspace, associated accesses and 4 car parking spaces (Outline)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

It is proposed to demolish the existing chalet bungalow on the site and a detached garage at the rear, and construct 2 two storey 4 bedroom semi-detached dwellings with accommodation in the roofspace which would front onto Keswick Road. The application has been submitted in Outline form with only layout, means of access and landscaping to be considered at this stage, although illustrative plans have been submitted.

A separation of between 3.3-4m would be provided between the proposed building and the southern flank boundary of the site with Stanley Road, and it would be set back between 3-3.3m from the northern flank boundary with No.22 Keswick Road. The plot width of each property would be approximately 11-12m, and each dwelling would have a rear garden depth of 23m.

Two car parking spaces would be provided for Plot 1 via a new vehicle access from Stanley Road adjacent, whilst the 2 spaces for Plot 2 would be located at the front of the site adjacent to No.22 Keswick Road using an existing access.

Location

This site lies at the corner of Keswick Road and Stanley Road, and is occupied by a detached chalet-style bungalow which has been extended in the past. It is bounded to the north by a two storey dwelling at No.22, and the site slopes

upwards to the west where it backs onto a large detached dwelling at No.2 St. Kilda Road. The surrounding area contains a mixture of detached and semi-detached dwellings set within varying plot sizes.

Consultations

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

- * the revised scheme will still result in a cramped overdevelopment of the site
- * unsatisfactory subdivision of the plot
- * out of character with the surrounding area
- * loss of light, privacy, views and outlook to neighbouring properties
- * flank elevation facing Stanley Road would have a blank unattractive facade
- * there would be reduced visibility at the junction of Keswick Road and Stanley Road
- * loss of on-street parking
- * disruption to natural habitat for wildlife
- * loss of a much needed bungalow
- * semi-detached properties are not characteristic of the area
- * the building would be larger than the previously refused scheme
- * proposals would obstruct sightlines at the junction of Keswick Road and Stanley Road
- * would set an undesirable precedent
- * building would project forward of the main front building line
- * insufficient separation would be provided to the side boundaries
- * building could easily be divided into flats which would be out of character with the area
- * lack of adequate parking
- * poor design of replacement building
- * proposals could damage a protected tree at No.22
- * landscaping scheme is unfeasible
- * the previous grounds for refusal have not been overcome.

The application has been called into committee by a Ward Councillor.

Comments from Consultees

No objections are raised to the proposals from a highways point of view. The on-street parking bay layout would need to be altered which would be at the applicant's expense.

No objections are raised from a drainage point of view, and Thames Water has no concerns.

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
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 mid-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 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

Outline permission was refused in 1986 for a detached dwelling in the rear garden of No.24 fronting onto Stanley Road (ref.86/00071), on grounds relating to the unsatisfactory subdivision of the plot, cramped overdevelopment, inadequate amenity space for the existing and proposed dwellings, and the detrimental impact on neighbouring properties. The subsequent appeal was dismissed in 1987.

More recently, full planning permission was refused in March 2017 (ref.16/05466) for the demolition of the existing dwelling and detached garage at rear, and the erection of 2 two storey 4 bedroom semi-detached dwellings with accommodation in the roofspace, associated accesses and 4 car parking spaces on the following grounds:

"The proposed semi-detached dwellings, by reason of their size, design and proximity to the side boundary, would constitute a cramped overdevelopment of the site and an unsatisfactory sub-division of the existing plot, harmful to the street scene and the character of the area in general and contrary to Policies BE1 and H7 of the Unitary Development Plan, adopted SPG1 and SPG2, Policies 3.5 and 7.4 of the London Plan, the London Housing Supplementary Planning Guidance and the National Planning Policy Framework."

Conclusions

The main issues in this case are whether the revised 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 the surrounding area, on the amenities of neighbouring residential properties, on parking provision and road safety in the highway, and on important trees on or adjacent to the site.

The main differences between the current and refused schemes are:

- (1) the width of the building has been reduced by 2.4m
- (2) the separation distances to the boundaries have increased by 1.2m to each side
- (3) the footprint of the building has increased in depth and will not now stagger away from the side boundaries towards the rear
- (4) the design of the dwellings has changed (although this is an Outline application therefore the design is not under consideration).

The applicant has also submitted a comparison of other plot sizes and plot widths in the vicinity.

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 18 dwellings per hectare with the table giving a suggested level of between 35-95 dwellings per hectare in a suburban area with a 2 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 2 three storey 4 bedroom 8 person dwellings. The London Plan suggests that the minimum size of a four bedroom 8 person dwelling over three storeys should be 130sq.m. Each dwelling would provide 335sq.m. floorspace, thereby achieving this standard.

The applicant has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies 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 forms a large corner plot within a residential area characterised by mainly detached dwellings set within varying sizes of plot, although there are semi-detached properties in close proximity to the site at Nos.19 and 21 Keswick Road and Nos.4 and 6 Stanley Road.

The previous application was refused as the proposed semi-detached dwellings were considered to result in a cramped overdevelopment of the site and an unsatisfactory subdivision of the plot due to the size and design of the dwellings and their proximity to the side boundaries, which would be harmful to the street scene and the character of the area.

The width of the building has been reduced by 2.4m, thereby allowing increased separations of 3-4m to be provided to the side boundaries of the site, and the illustrative plans show a slightly less bulky building with an altered design that would sit fairly comfortably within the street scene, although in any case the detailed design of the development is not a matter for consideration under this application. The building would be about 1m wider than the adjacent building at No.22 Keswick Road, and would be of a similar height with similar separations provided to the flank boundaries.

The plot widths of surrounding dwellings vary between 9-28m, whilst the proposed dwellings would have plot widths of 11-12m. The plot depths would be 46-48m and the rear garden depths would be 23m which is characteristic of Keswick Road, and the overall size of the plots would not therefore be out of character with the area.

Although detached dwellings predominate in the area, the construction of a pair of semi-detached dwellings on this plot is not considered to appear out of character with the area in principle given the close proximity of semi-detached dwellings in Keswick Road and Stanley Road which have similar plot sizes to the proposed dwellings.

The revised proposals are not therefore considered to result in an unsatisfactory subdivision of the plot, nor have a significantly detrimental impact on the character and spatial standards of the area.

Impact on residential amenity

The previous scheme was not considered to have a detrimental impact on the amenities of neighbouring properties.

In this case, the proposed footprint of the building shows that although the northern flank wall would be set 1.2m further away from the boundary with No.22, it would project a further 5.3m to the rear (where previously it was staggered away from this boundary), thus projecting 6.3m beyond the rear wall of No.22. The illustrative plans show this part of the building to be two storeys in height with accommodation in the roof, and this would result in an overbearing form of development that would significantly impact on light to and outlook from the adjacent dwelling and its rear garden.

No first floor flank windows are proposed that would face No.22, but there are a number of rooflights to the second floor accommodation, and it is not clear whether they would be high-level. However, they appear to be largely secondary windows, and can be conditioned to be obscure glazed in order to prevent any undue overlooking.

The dwelling to the rear of the application site at No.2 St Kilda Road is set at a higher level than the application site and has a garage located on the boundary. It would be set approximately 28m away from the proposed dwellings, and the proposals are not considered to result in a significant loss of privacy or outlook.

The occupiers opposite at No.1 Stanley Road have raised concerns about loss of outlook and privacy to the rear of their property and their rear garden which backs onto Keswick Road. The new dwellings would appear more bulky than the existing chalet bungalow which has only one front dormer window at first floor level, and a total of 6 front windows are proposed at first floor level, 2 of which would be to bathrooms, and 4 to bedrooms, along with 2 front rooflights to bedrooms. Although some loss of outlook and privacy may occur, the new dwellings would be located a minimum 36m away from the rear elevation of No.1, and windows at this level are not uncommon on this side of Keswick Road. As with the previous scheme, Members may consider that the relationship between these properties is acceptable.

The proposals are not therefore considered to result in a significant loss of amenity to neighbouring properties.

Impact on parking and road safety

The Council's Highways Officer has raised no objections to the proposals in terms of the parking spaces provided, the layout and the means of access, subject to re-instating two of the existing accesses as footway, and alterations to the on-street parking bays.

Impact on trees

There are no trees of significance on the site, however there is a pine tree in the front garden of No.22 immediately adjacent to No.24 which is protected by a TPO. The existing driveway access from Keswick Road, which would serve the parking for Plot 2, passes beneath the protected pine tree, but the overhanging canopy is minimal which indicates that clearance pruning has taken place in the past. The current drive is hard surfaced and the two car parking bays proposed close to the neighbouring tree would be constructed to a no-dig design. The proposals are not therefore considered to be harmful to the adjacent protected tree.

Conclusions

The revised proposals are considered to have adequately overcome the previous grounds for refusal in terms of the cramped overdevelopment and subdivision of the site, however, the proposals would have a seriously detrimental impact on the amenities of the adjacent occupiers of No.22 Keswick Road by reason of loss of light and outlook.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposed building, by reason of its excessive rearward projection in close proximity to the boundary with No.22 Keswick Road, would appear overbearing and result in loss of light to and outlook from the neighbouring property and its rear garden, detrimental to the amenities of the adjoining occupiers, and thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.**

You are further informed that:

- 1 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