

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 17/01224/FULL1

**Ward:**  
**Cray Valley East**

**Address :** Land Adjacent 24 Chesterfield Close  
Orpington

**OS Grid Ref:** E: 548072 N: 168118

**Applicant :** Mr Steve Blake

**Objections :** YES

### **Description of Development:**

Detached two storey building comprising 4 one bedroom flats with front and side balconies, 5 car parking spaces, vehicular access from Sweeps Lane and cycle and refuse stores

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 26

### **Proposal**

It is proposed to erect a detached two storey building comprising 4 one bedroom flats on this site which would be of a pitched roof design and would front onto Sweeps Lane. A new vehicular access would be created from Sweeps Lane at the western end of the site which would lead to a parking area for 5 vehicles, part of which would extend over land currently within the rear garden of No.24.

### **Location**

The application site comprises a 46m long strip of disused land currently owned by the London Borough of Bromley which lies between No.24 Chesterfield Close and Sweeps Lane, along with part of the rear garden of No.24. The site slopes down from east to west, and lies adjacent to the Green Belt on the opposite side of Sweeps Lane.

### **Consultations**

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

- overdevelopment of the site
- out of character with the area
- overlooking of neighbouring gardens

- noise and disturbance from proposed parking area adjacent to neighbouring gardens
- loss of trees
- possible impact on land stability.

This application was called into committee by a Ward Councillor.

### **Consultee comments**

From a highways point of view, the proposals would provide at least one parking space per flat which would be acceptable in this low (1a) PTAL location. Revised plans were submitted of the sightline to Sweeps Lane (16.06.17), and it is considered acceptable.

No drainage or Environmental Health objections are raised to the proposals, 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 & Design  
H9 Side Space  
T3 Parking  
T18 Road Safety  
NE7 Development and Trees  
G6 Land Adjoining Green Belt

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 policy is 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 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

The Major's Housing SPG and the National Planning Policy Framework (NPPF) are also relevant.

## **Planning History**

Permission was refused in May 2016 (ref.16/00444) for a block of 6 one bedroom flats on this site on the following grounds:

- 1 The proposal constitutes a cramped overdevelopment of the site by reason of the excessive residential density and site coverage with buildings and hard surfacing, which would have a seriously detrimental impact on the character and spatial standards of the surrounding area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 2 The proposed building would, by reason of its flat roofed design, appear incongruous within the street scene, and would have a detrimental impact on the character and appearance of the surrounding area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.
- 3 The proposed development, by reason of its size, excessive depth of rearward projection and close proximity to neighbouring properties, would have a seriously detrimental impact on the light to and outlook from the

adjoining properties, thereby contrary to Policy BE1 of the Unitary Development Plan.

- 4 The proposed car parking area would result in a significant level of vehicle movements in close proximity to private residential gardens which would cause an unacceptable level of noise and disturbance to neighbouring properties detrimental to residential amenity, and would thereby be contrary to Policy BE1 of the Unitary Development Plan.

The subsequent appeal was dismissed in September 2016 on grounds relating to the size and design of the building which would be out of character with the area, the detrimental impact on the spatial qualities of the area, the lack of available space for soft landscaping to mitigate the impact of the development, and the loss of outlook from No.24 due to the excessive length of the development close to the boundary with this property. The Inspector further considered that, by reason of its position so close to the common boundary of the site with Sweeps Lane and the connecting public footpath to Chesterfield Close, the proposed building would dominate this corner and conflict with the established pattern of development in the locality and its more spacious qualities.

The Inspector did not consider that the location of the car parking area adjoining the rear garden areas of Nos.2, 22 and 24 Chesterfield Close would cause significant noise and disturbance to these properties, subject to the provision of a solid fence, as only 5 car parking spaces would be provided, which would result in a relatively low level of use, and the living accommodation of these properties would be separated from the parking area by their long rear gardens. Furthermore, she considered that the proposals would not result in any undue loss of light or privacy to neighbouring properties.

## **Conclusions**

The main issues relating to the application are whether the revised proposals would constitute an overdevelopment of the site, the effect on the character and appearance of the surrounding area, the impact on the amenities of neighbouring properties, the impact on parking and road safety in the highway, and the impact on important trees on the site.

The main differences between the current and dismissed schemes are:

- the number of flats has been reduced from 6 one bedroom flats to 4 one bedroom flats
- the footprint of the building has been significantly reduced in depth (by 11.4m) and bulk
- the building would now have pitched roofs rather than a flat roof
- the building would be set slightly further back from the boundaries with Sweeps Lane and the public footpath to Chesterfield Close
- there would be increased soft landscaping on the site.

## Overdevelopment and character and appearance of the area

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale 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. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the Framework indicate development should be restricted.

The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate 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, community safety and refuse arrangements.

## Density

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal represents a density of 61 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be within the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

## Size, scale and design

Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph

58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

Policy BE1 and H7 of the UDP set out a number of criteria for the design of new development. With regard to local character and appearance development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

Policy H9 requires that new residential development for a proposal of two or more storeys in height a minimum of 1m side space from the side boundary is maintained and where higher standards of separation already exist within residential areas. Proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The current proposals are for a two storey pitched roof building which would be significantly reduced in depth from the previous scheme for 6 flats, and would have a staggered form which would be set back between 1.4-4.5m from the flank boundary with No.24. However, the concerns of the Inspector with regard to the close proximity of the building to the boundaries with Sweeps Lane and the public footpath to Chesterfield Close and its dominating impact on this corner site have not been adequately addressed as the distances to these boundaries have not significantly changed. Although the Inspector indicated that the provision of a pitched roof over the building would be more in keeping with the area, it would cause the building to appear bulkier at the corner of Sweeps Lane and the footpath than previously proposed, although its impact further along Sweeps Lane would be lessened by the reduction in depth of the building and the provision of more soft landscaping.

The proposals are still therefore considered to appear overdominant and cramped on this open corner site, which would have a detrimental impact on the character and spatial standards of the surrounding area.

#### Future residential amenity

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit.

Policy BE1 in the UDP states that the development should respect the amenity of occupiers of future occupants.

The proposals comprise 4 one bedroom 2 person flats. The London Plan (2015) suggests that the minimum size of a one bedroom 2 person dwelling should be 50sq.m. The flats would provide 51-53sq.m. floorspace, and would therefore achieve this standard.

Private amenity space would be provided in the form of balconies for the upper flats and terraces on the ground floor.

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 neighbouring residential amenity

With regard to the impact on neighbouring properties, the rearward projection of the two storey building would now be reduced by 11.4m, and the impact on outlook from No.24 would therefore be significantly reduced. Windows in the northern flank elevation of the building adjacent to No.24 would be obscure glazed, and a privacy screen would be provided to the rear balcony. No loss of privacy would therefore occur to the adjacent property. The previous Inspector did not consider that any loss of light or privacy would result from the previous larger scheme proposed.

The proposed car parking area in the western part of the site would extend into what is currently part of the rear garden of No.24, as with the previous scheme, and although it would bring vehicle movements into an area of land which is adjacent to the private rear gardens of a number of adjoining properties, the Inspector in the previous scheme did not consider that the vehicle movements associated with the use of the car park to serve 6 flats would cause an unacceptable level of noise and disturbance to neighbouring properties. Although the same number of parking spaces is proposed, it would serve 4 rather than 6 flats, and the levels of noise and disturbance to neighbouring properties would be the same as or reduced from the previous scheme.

The revised proposals are not therefore, considered to result in undue loss of light, privacy or prospect to the adjacent properties, nor cause a significant level of noise disturbance from the parking area, subject to the provision of a solid fence.

#### Impact on highway safety

With regard to parking/highways issues, the Council's Highway Officer has confirmed that no technical objections are raised to the proposals.

#### Impact on Trees

With regard to the trees on the site, none are considered to warrant tree protection measures, and no objections are therefore raised to the loss of trees, subject to the provision of some new tree planting as part of any permitted scheme.

#### Conclusion

The revised proposals are not considered to have satisfactorily overcome the previous Inspector's concerns with regard to the overdominant appearance at the

corner of Sweeps Lane and the footpath, and would therefore have a detrimental impact on the character and appearance of the area.

**as amended by documents received on 16.06.2017**  
**RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposed development, by reason of its size, height and close proximity to the boundaries with Sweeps Lane and the footpath leading to Chesterfield Close, would result in an overdominant and cramped form of development on this open corner site which would be detrimental to the character and spatial standards of the surrounding area, thereby contrary to Policies BE1, H7 and H9 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](http://www.bromley.gov.uk/CIL)**