

SECTION '2' – Applications meriting special consideration

Application No : 17/01955/FULL1

Ward:
Copers Cope

Address : 61 The Avenue Beckenham BR3 5EE

OS Grid Ref: E: 538603 N: 169870

Applicant : Mr Ron Terry

Objections : YES

Description of Development:

Demolition of existing dwelling and erection of 2 two storey buildings with basements and accommodation in roof space, each comprising 3 no. two bedroom flats (6 flats in total) including formation of lightwells, associated landscaping, cycle and car parking and formation of vehicular access.

Key designations:

Conservation Area: Downs Hill
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Proposal

It is proposed to demolish the existing detached dwelling and to erect two detached buildings with accommodation in the roof space and at basement level (with lightwells) along with the formation of a vehicular access.

The buildings would be sited with their front elevations at a right angle to each other, with Block A sited adjacent to the western boundary of the site, broadly aligning with No. 59a. Block B would be sited adjacent to the northern boundary of the site, adjacent to No. 67 The Avenue.

A separation of approx. 3.3m is shown to be provided between the flank elevation of building A and the western boundary and approx. 2.8m side space would be provided between the northern flank elevation of Block B and the boundary. The buildings would be sited with a separation between them of approx. 5m.

The proposed buildings would each provide 3 two bedroom split level flats. The internal layout of each block is replicated, with a basement/ground floor flat, a ground floor/first floor flat and a first floor/attic flat. Block A comprises Flats 1, 2 and 3. Flat 1 is arranged over the ground and first floors, Flat 2 over the ground and basement floors and Flat 3 over the first floor and attic/roof accommodation. Similarly, Flats 4, 5 and 6 in Block B would provide a similar configuration/internal layout.

In the case of each block, the proportions, external appearance and siting of the buildings broadly replicates that of the previously permitted scheme for the

provision of 2 five bedroom dwellings with the exception of the formation of lightwells, the excavation of a basement storey associated with one of the flats in each block and the addition of balconies over the previously pitched roof bays to provide amenity space for the upper level flats in each building. As previously (ref. 16/05164), the proposed buildings would incorporate a deeply pitched roof sloping down from the ridge to end above the top of the ground floor front facing window, with a modest front facing dormer set within this roof slope. Gabled front projections are also proposed to each building, to the western side of Block A and the northern side of Block B. The decorative gable of Block A would be tile hung while that of Block B would be incorporate decorative brick set within a mock-tudor timber/render detailing.

To the front of the proposed buildings a hardstanding would provide off-street parking at a level of 3 spaces per block (i.e. 1 space per two bedroom flat). Bicycle storage would be provided in structures sited between and forward of the proposed blocks. Refuse stores would be provided within each proposed curtilage towards the front of the site, adjacent to the vehicular accessway. The parking spaces would be accessed via crossovers towards the western and northern boundaries on either side of the site. The application redline site incorporates the verge area to the front of the site. The agent has confirmed under the previous application that a licence has been obtained from the landowner (Cator Estates) to carry out the crossover works and other landscaping works in front of the boundary.

In terms of amenity space, private amenity space would be provided to each flat, with those covering the basement and ground floors benefitting from ground level terraces/the space provided by the excavated lightwells. The flats which are located at first/second floor level have private balconies which would face towards the site frontage/across the front of the site and which would measure 6.15m². In addition to these balconies, first floor rear balconies would be provided above the ground floor bay projection of each block in a position identical to those considered under reference 16/05164. The balconies would each have a full height brick screen wall elongating the first floor western and northern flank elevations of Block A and Block B respectively. The blocks would be sited within landscaped grounds and the fence which formerly separated house A from House B under the permission 16/05164 is shown to be removed in the current scheme so the blocks would occupy one large site rather than forming 2 separate residential curtilages.

Location

The application site is located to the northern edge of The Avenue at its eastern end, towards the junction with Downs Hill. It forms the southern boundary of the Downs Hill Conservation Area. The Avenue is an unmade and unadopted highway.

The application site is occupied by a detached two storey dwelling close to the northern boundary of the site. The site is a prominent, large corner site, elevated above the road junction. The host dwelling is not considered to be of any particular architectural merit.

Other properties in the locality are of commensurate size and scale to the existing dwelling, although the nearest dwellings in The Avenue are generally set more

modest plots than is characteristic to the north, west and east of the site, incorporating that part of Downs Hill that lies within the Conservation Area. The siting of the existing dwelling towards the northern boundary of the site leaves a generous area of garden land between the host property and the southern and eastern boundaries, and this retained space between built development makes a positive contribution to the Downs Hill Conservation Area since it can be seen from within Downs Hill. The site is densely treed and the mature trees, landscaping and spaciousness of the site contribute to a semi-rural quality to the area.

To the south of the site and on the opposite side of The Avenue is a flatted development known as West Oak, which falls outside of the Conservation Area. The four properties within the conservation area to the west are detached two storey dwellings. Beyond this to the west at both northern and southern edges of The Avenue the development comprises predominantly blocks of flats ranging in size and design.

The Downs Hill Conservation Area was designated in 1989 and the Council adopted a Supplementary Planning Guidance (SPG) document for the Downs Hill Conservation Area which was the subject of public consultation.

The Conservation Area is broadly characterised by detached dwellings, unified by their age and their incorporation of neo-Tudor and neo-vernacular elements, including timber beams and cottage effect modest dormer windows.

Consultations

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

- The proposal would result in a high density of development compared with the average density in the conservation area of 3 persons per household
- The land use of the property should not be changed from its current use
- Proposal would lead to overlooking of previously private areas
- Loss of views from neighbouring properties
- Unreasonable overshadowing
- Increased noise nuisance, general disturbance, odour, car movement and car parking would be unacceptably intrusive
- Proposal would constitute garden grabbing
- Proposal would appear over-bearing, out of scale and out of character compared with existing properties in the conservation area
- Adverse impact on highway safety and convenience of other road users
- The character of the area comprises single family dwellings
- Living accommodation in the basement could lead to subsidence and would be out of character with the area
- The balconies would result in a loss of privacy
- Lack of parking will result in overspill on Downs Hill
- Would set a precedent for other flatted development
- Reference to the Party Wall Act relating to the basements and the Human Rights Act with reference to the right to peaceful enjoyment of possessions

- The Council has only permitted single family dwellings on the site with previous applications for flats having been refused
- The Avenue is unadopted and in poor condition which means that the visibility splays will not be adequate.

The Copers Cope Residents Association have raised objections stating that there is potential for up to 24 adults to live at the development and there is therefore inadequate parking. The entrance to one of the blocks is situated on a tight bend in the road. The basement accommodation would suggest that it is an overdevelopment of the site and the proposal would fail to preserve or enhance the character of the conservation area.

A letter of support has been received which states that the proposal would lead to more affordable housing in the area and the buildings are designed so that they would appear as houses rather than flats.

The Advisory Panel for Conservation Areas (APCA) raise no objections to the proposal.

Technical comments

No objections are raised, subject to conditions, from a drainage perspective.

From a technical highways perspective it is noted that if the cycle storage was closer to the entrance of the building it would encourage greater cycle use by residents, maximising security and convenience. The site is located in an area with a PTAL rate of 2 on a scale of 1 - 6 and it would be ideal if there were 2 car parking spaces for visitors i.e. 4 parking spaces for each block. A number of conditions are suggested should planning permission be granted.

Planning Considerations

Unitary Development Plan

BE1 Design of New Development
 BE11 Conservation Areas
 BE12 Demolition in Conservation Areas
 H1 Housing Supply
 H7 Housing Density and Design
 H9 Side space
 NE7 Development and Trees
 T3 Parking
 T18 Road Safety

Supplementary Planning Guidance 1 & 2.

Supplementary Planning Guidance: Downs Hill Conservation Area.

The Council is preparing a Local Plan. A period of consultation on the proposed draft Local Plan (under the Town and Country Planning (Local Planning) (England)

Regulations 2012 as amended) ran from November 2016 and closed on December 31st 2016. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in 2017.

Draft Policy 1	Housing Supply
Draft Policy 64	Housing Design
Draft Policy 30	Parking
Draft Policy 37	General Design of Development
Draft Policy 8	Side Space
Draft Policy 11	Conservation Areas
Draft Policy 73	Development and Trees

The application falls to be considered 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
- 5.12 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
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.21 Trees and Woodland
- 8.3 Community Infrastructure Levy.

The Mayor's Housing Supplementary Planning Guidance.

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

Planning History

81/01123 Permission refused for two detached houses

82/01136 Permission refused for four terraced dwellings

Both these applications relate to the erection of No. 59 and No. 59a on land that was formerly part of No. 61. The refusal of two dwellings under ref. 81/01123 was subsequently allowed at appeal.

15/02906

Under reference 15/02906 planning permission was refused for the demolition of the existing dwelling and the erection of 2 part two/three storey flatted blocks. Permission was refused on the ground:

"The proposals, by reason of the size, height, bulk and massing of the buildings, would result in an overdevelopment of the site and would fail to preserve or enhance the character and appearance of the Downs Hill Conservation Area, thereby contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan and Policy 3.5 of the London Plan."

A subsequent appeal against the refusal of planning permission was dismissed.

The Inspector identified "unifying factors" within the Conservation Area, including the widespread use of bay windows, applied timber framing and white rendering, with a cottage effect in some dwellings achieved through the provision of small dormers set into the roof.

The Inspector considered that the substantial footprint and volume of the buildings would have meant that the proposal would have appeared cramped and out of keeping with the surrounding area. In particular, she referred to the small gap provided between the buildings and the consequent relationship between the buildings being very close when compared to most other buildings in the conservation area. The Inspector further referred to the bulkiness of the roof forms of the proposed buildings, incorporating a central flat roofed element which would have appeared much bulkier when compared with other more traditional roof forms in the area, while noting that the overall roof heights would have been broadly consistent with 59A and the general increase in ridge heights along Downs Hill.

In conclusion, it was found that the proposed development would have failed to preserve or enhance the character and appearance of the conservation area, with particular concern expressed as summarised above, regarding the cramped nature of the development, lack of space between the buildings and the bulkiness of the roof forms.

14/03502

Under reference 14/03502 planning permission was refused for the demolition of the existing detached dwelling and the erection of two storey buildings with accommodation within the roofspace to provide eight two bedroom flats. The previously refused proposal incorporated 12 car parking spaces accessed via a total of 3 vehicular access points (2 new vehicular accesses and the retention of the existing access). Planning permission was refused on the following grounds:

"1. The proposals, by reason of the size, height, bulk and massing of the buildings, would result in an overdevelopment of the site, which would fail to preserve or enhance the character and appearance of Downs Hill Conservation Area, thereby contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan and London Plan Policy 3.9.*

2. The proposed rear balconies would result in overlooking of neighbouring properties which would be detrimental to residential amenity and contrary to Policy BE1 of the Unitary Development Plan."

*The appeal Inspector acknowledged at the subsequent appeal that this was a typographical error and that rather than Policy 3.9, Policy 3.5 of the London Plan was relevant.

A subsequent appeal against the Council's refusal of planning permission was dismissed under reference APP/G5180/W/14/3001656. The Inspector considered that the main issues for consideration were the character and appearance of the Conservation Area and the impact of the proposals on residential amenity.

With regards to the impact of the proposal on residential amenity, referred to in reason 2 of the Council's decision notice, the Inspector found that the screening and distance between the existing and proposed development would mitigate the level of overlooking to an acceptable extent. He also considered that although the scheme may have resulted in some additional overshadowing of neighbouring properties, that impact was not significant and that there would not be a conflict with Policy BE1 in respect of the impact of the proposals on residential amenity.

With regards to the impact of the proposal on the character and appearance of the area, however, the Inspector found that the scheme would fail to preserve or enhance the character and appearance of the Conservation Area. The Inspector reasoned that the appeal site is prominently located and elevated above the road junction. The depth of two storey development was considered to be greater than both neighbouring properties, and the height and depth of development, including a deep roof accommodating a second floor, would "give each block a substantial bulk and scale."

He considered that "The mass of development so close to neighbouring buildings would cause the scheme to have a cramped and dominant appearance, which would contrast unfavourably with the more spacious characteristics of the CA."

The two new driveways would to an extent offset the retention of trees along the site's frontage and the additional proposed landscaping, opening up some views into the site from the highway. At paragraph 14 of the decision notice the Inspector stated: "The 3 driveways together with hardstanding areas for 12 cars to the front and side of the buildings, and residents' bin enclosures, would result in a more intensely used and urban character, which would contrast markedly with the CA's established character of single detached dwellings, and its semi-rural appearance."

In conclusion, the Inspector found:

"It is each block's substantial massing so close to neighbouring development, together with the introduction of large areas of parking, driveways and other facilities towards the front of this prominent plot that would harm the streetscene, and make the proposal significantly at odds with other development in the CA."

16/05164

Planning permission was granted for the demolition of the existing dwelling and the erection of 2 large detached dwellings.

Conclusions

The main issues in the determination of this application are considered to be the impact of the proposal on the visual amenities of the area in general and the impact of the proposal on the character and appearance of the Downs Hill Conservation Area in particular. In addition, the impact of the proposals on residential amenity falls to be considered, as does the highways impact and the extent to which the proposal would provide adequate parking to serve the needs of the development.

Principle of development

It is noted that in the case of each of the previously refused schemes the Council did not raise an in principle objection to the flatted developments within the grounds for refusal, which related instead to the scale, massing, bulk and height of the development and the consequent overdevelopment of the site.

In dismissing the appeals against the Council's refusal of planning permission, the appeal Inspectors similarly did not express concerns over the principle of flatted blocks, but instead focussed on the scale and bulk of the buildings, the side space and spaciousness of the development and the height and depth of the block/s.

It is acknowledged in the appeal relating to 14/03502 (8 flats, 12 car parking spaces) it was noted that the scale and bulk (necessitated by the number of flats proposed) of the development and the 3 driveways, large hardstanding areas and bin enclosures would have resulted in a more intensely used and urban character "which would contrast markedly with the CA's established character of single detached dwellings, and its semi-rural appearance." However the appeal was not dismissed on the basis that flats were proposed, but on the basis that the buildings within which the flats would be provided and the associated hardstandings/paraphernalia associated with the number of units would have failed to preserve the character and appearance of the conservation area.

In the appeal under ref. 15/02906 (8 flats/8 car parking spaces) the unifying factors identified within the Conservation Area by the Inspector related principally to the appearance of the buildings and the design details. The volume and footprint of the buildings resulted in a cramped appearance out of keeping with the area and the bulkiness of the roof was considered unacceptable.

A number of the objections raised by local residents and the CCRA regarding the proposals relate to the fact that the scheme would provide flatted residential units rather than the single family dwellings previously granted planning permission under reference 16/05164. While these concerns are acknowledged, it is not considered that the refusal of planning permission on the basis that the

development would provide flats would be sustainable on appeal in view of the planning history of the site, although the visual and residential impact of the development and the intensity of the use of the site is discussed in greater detail in subsequent sections.

Impact of the proposal on residential amenity

The main differences between the current proposal and that granted planning permission under reference 16/05164 in respect of the impact of the proposal on residential amenity relate to the provision of an additional balcony to each block and the increased intensity of the residential use of the site and the extent to which this might result in increased noise and disturbance to neighbouring residents.

The previously refused planning applications and subsequent appeal decisions found that the impact of those schemes on residential amenity would have been acceptable. With regards to the appeal under reference 14/03502 which proposed 8 flats in total, the Inspector stated that he was satisfied that the reasonable use of the flats and vehicular movements associated with them would not cause significant noise and other disturbance to the local residents. This conclusion was shared in the appeal under reference 15/02906 which also proposed 8 flats, where the current scheme relates to 6 flats in total.

With regards to the impact by way of overshadowing and loss of privacy, the Council's reasons for refusal in the previous schemes did not relate to the residential impact of the proposals and the subsequent appeal decisions took into account the separation between the developments previously proposed and the opposing garden boundaries and the screening afforded by the retained and proposed trees and landscaping, concluding that there was no substantive evidence that the development would result in loss of privacy or overshadowing in those more bulky schemes.

Planning permission was granted under reference 16/05164 for development of a height, depth and bulk relative to ground level identical to the current proposal. It was not considered in the assessment of that proposal that the proposal would harm the residential amenities of neighbouring residents. It is noted that the buildings in this application would each include an additional balcony but these balconies are positioned to face towards the front with views from the side towards the boundaries with No. 67 to the north and No. 59a to the west obscured in the case of Block A towards No. 67 by the building of Block B and a separation of approx. 21m to the western boundary from the balcony at Block B. As such it is not considered that these balconies would result in unacceptable loss of privacy or overlooking.

The lightwells proposed to be provided would be sited broadly between the two blocks. As such and as a consequence of the orientation and siting of the buildings within the site it is not considered that the three storey height of the buildings where the basements would be lit by the lightwells would result in a significant visual impact from adjoining residential dwellings. The height of the building at these points would be largely obscured by the ground level adjacent to the lightwells and the perspective view from neighbouring properties would also be

screened by boundary fencing and trees/landscaping to the extent that the amendments to the elevations of the buildings in comparison with the approved scheme would not be readily appreciable.

Impact of the proposal on the visual amenities of the area and the character and appearance of the Conservation Area

It has been acknowledged at appeal that the Council has no objection in principle to the loss of the existing building as the house itself is not considered to be of any particular architectural merit. The Inspector in each case has not disagreed with this view.

Under reference 16/05164 planning permission was granted for buildings that in terms of their height, siting and external appearance replicated the current scheme other than in the provision of the front balconies referred to above and the provision of the large rear/side lightwells which relate to a split level flat within each block. The differences in terms of the development on the site under 16/05164 and the current proposal can be summarised:

- Formation of lightwells to provide basement accommodation for a split level flat
- Additional balcony to front/side at first floor level
- Provision of enlarged cycle storage
- Refuse storage to be sited adjacent to the driveways within 1.2m high close boarded bin enclosures
- Deletion of proposed fencing between the buildings

It falls to be considered whether the amendments in terms of the appearance of the buildings would be so significant as to render the application unacceptable in terms of the impact of the scheme on the character and appearance of the conservation area. In reaching a conclusion on this aspect it is appropriate to take into account the reasoning of the appeal Inspectors in the previously refused and dismissed schemes where the physical proportions, bulk, siting and external appearance of those blocks were considered to fail to preserve the character and appearance of the conservation area, alongside the granting of planning permission under reference 16/05164 for development of substantially similar proportions and external appearance to that currently proposed, albeit for dwellings rather than a flatted development.

As such, it is not considered that the proposal would have a materially greater impact on the visual amenity of the area nor upon the character and appearance of the conservation area than the approved proposals. While previous schemes for flatted development were dismissed, these decisions did not relate to the fact that the proposals would have provided flats, but rather to the undesirable visual impact associated with the number of units and the scale of the built development including extent of hardstanding on the site. The extent of the currently proposed development on the site, its height, external appearance and the amount of hardstanding appreciable from outside the site is not substantially different to that granted planning permission under reference 16/05164.

The rear lightwells in elevation form result in development on the inside corner of each building that would appear recognisably three storey from a vantage point within the application site, from the grounds at the rear of the buildings and the amenity terraces. However, in terms of the extent to which the part of the building elevations relating to the excavated lightwells would be readily appreciable from outside of the site, in view of the separation of at least 18m to the front of the site and taking into account the slightly lower perspective view afforded from the street scene, it is not on balance considered that the enlargement of the structures to include basement accommodation would have a significantly greater impact on the character and appearance of the conservation area than the previously permitted scheme. While basement accommodation is not a common characteristic of the locality, it is noted that planning permission was granted under reference 14/03219 for the redevelopment of the site at 28 Downs Hill for a single dwelling incorporating a large basement area. In view of the discreet siting of the lightwells associated with the basement accommodation it is considered that this aspect of the proposal that differs with that granted planning permission under reference 16/05164 would not have a significant impact on the visual amenities and character of the area.

While the cycle stores proposed to be provided would be larger than those granted planning permission under reference 16/05164 and the proposal includes also terraces to the rear of the buildings that would serve as private amenity space, these aspects would not be considered out of character within the curtilage of a single dwellinghouse and in terms of the overall proportion of the site given over to buildings and hard surfaces it is not considered that the proposal would appear out of character with or detrimental to the character and appearance of the conservation area. It is acknowledged that the proposal would result in a larger proportion of the site being developed than is currently the case but taking into account the grant of planning permission under reference 16/05164 it is considered that the development would retain a level of spaciousness and separation between dwellings appropriate to the conservation area setting.

Living conditions

Each two bedroom unit would have access to private amenity space although in the case of Flats 3 and 6, this would be in the form of an elevated private balcony of 6.15m² which is less generous than the other flats within the blocks but which would meet the minimum area provided within the Mayor's Housing SPG. The internal dimensions of the flats would exceed the "technical housing standards - national described space standard" requirements for two bedroom split level flats.

The ground floor/basement split level flats (flats 2 and 4) would incorporate a large area of basement accommodation and bedroom 1 of each flat would have a floor to ceiling window looking onto the lightwell, with bedroom 2 incorporating larger patio doors. The area of the terrace formed by the lightwells, which would serve each part basement flat, would be approx. 18m². The lightwells would be approx. 2.5m deep. Each bedroom within the part basement flats has a limited outlook but in view of the width/length of the lightwell and the fact that each flat would also include dual aspect ground floor accommodation it is considered on balance that

the standard of accommodation for these particular flats would not be unacceptable.

Highways and parking issues

The proposal would provide 1 space per two bed flat. In view of the public transport accessibility of the site (PTAL 2) it has been recommended that ideally the proposal would include the provision of an additional visitors parking bay per block, which would result in 4 spaces per block and 8 spaces overall. It is necessary to carefully consider whether in terms of the merits of the application proposal overall, the lack of a separate visitors parking space for each block would represent strong grounds for the refusal of planning permission, taking into account also the desire to limit the extent of hardstanding to the front of the building so as to reduce the visual impact of the development when viewed from public areas within the conservation area.

The provision of 1 space per two bedroom flat would comply with the maximum parking standards of the London Plan and also with the minimum provisions of Draft Policy 30 of the emerging local plan. On balance, while it would be preferable from a highways perspective to provide a parking space for visitors to each block, it is desirable also to ensure that as much of the site is free from development as possible in order to preserve or enhance the character and appearance of the conservation area and the proposals would also comply with the standards of the London Plan and the emerging Local Plan policy in respect of parking provision. Cycle parking would be provided at a level of 12 spaces for the 6 units proposed and while technical comments have stated that the siting of the storage units would be of optimal convenience and security if they were positioned closer to the front entrances of the blocks, this is not considered in itself to warrant the refusal of planning permission and a condition imposed if permission is granted could see this issue being addressed where appropriate.

While local concern has been expressed regarding the impact of the proposal on highway safety, no such technical concerns have been expressed subject to the use of conditions to secure satisfactory visibility splays along with other highways conditions.

Other matters

Concerns have been raised regarding the basement excavation and the impact that this could have on subsidence. This is not a planning matter and would be dealt with by separate legislation and under the Building Regulations.

Taking into account the appraisal of the previously dismissed schemes and that granted planning permission under reference 16/05164 it is not considered that the proposal would contravene the provisions of the Human Rights Act.

The applicant provided under the previous application confirmation that the redline site incorporated the verge area to the front of the site and that a license had been obtained from the landowner (Cator Estates) to carry out the crossover works and

other landscaping works in front of the boundary. This licensing requirement is a private legal matter.

Conclusions

With regards to the impact of the proposal on the residential amenities of neighbouring residents, the proposed buildings would not project significantly to the front and rear of neighbouring dwellings and adequate side space is retained to the boundaries so as to limit the impact of the proposal on the amenities of established adjacent dwellings. Where some concern was expressed in the consideration of the previous application regarding the potential for mutual overlooking from balconies to the gardens associated with the then proposed dwellings, the current scheme proposes flats with a mix of private amenity space and communal grounds and this potential overlooking is not therefore considered unsatisfactory. The balconies which formed part of the previous scheme continue to incorporate brick screening which effectively restricts potential views from the balconies to established neighbouring residential sites. The additional balconies proposed would be sited sufficiently separate from neighbouring gardens and dwellings to limit impact associated with loss of privacy, taking into account their position within the site and the retained/proposed landscaping.

The separation between the buildings and their design and siting in relation to the size and position of the plot would preserve the character and appearance of the conservation area and would result in development of a built form, scale and design commensurate with other dwellings in the immediate locality when viewed from public vantage points. While the current proposal incorporates the excavation of lightwells and the erection of effectively three storeys of vertical building in association with these lightwells, the extent to which this part of the development would be visible from outside of the site would be limited and as such the impact of this aspect on the character and appearance of the conservation area would be acceptable on balance.

It is noted that local concerns have been raised regarding the principle of flatted development in this part of the conservation area. It is acknowledged that immediately neighbouring properties comprise single dwellinghouses and that the conservation area is broadly characterised by detached dwellings rather than flatted blocks. However it is also noted that outside of the conservation area within The Avenue the street is more mixed in character including blocks of flats including those opposite the site at West Oak. In terms of the built form of the development as viewed from the public realm and from outside of the site, along with the extent of the driveway and parking areas, the development would have the appearance of separate dwellinghouses, with the flatted nature of the scheme not being widely appreciable from outside the site. Taking this into account along with the previous appeal determinations and refusal grounds which did not raise specific concerns regarding the type of residential development proposed as opposed to the appearance, bulk, scale and extent of development within the site, it is not considered that the refusal of planning permission on the basis of the provision of flats would constitute strong grounds for the refusal of planning permission.

On balance it is recommended that planning permission be granted for the proposals.

Background papers referred to during production of this report comprise all correspondence on files refs: 17/01955, 16/05164, 15/02906 and 14/03502 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 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

- 3 Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed 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.

- 4 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.

- 5 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.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 6 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.

- 7 Details of a scheme to light the access drive and car parking areas hereby permitted shall be submitted to and approved in writing by the Local Planning Authority before the development hereby permitted is commenced. The approved scheme shall be self-certified to accord with BS 5489 - 1:2003 and be implemented before the development is first occupied and the lighting shall be permanently retained thereafter.**

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 8 Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the development.**

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

- 9** The application site is located within an Air Quality Management Area declared for NOx. In order to minimise the impact of the development on local air quality any gas boilers must meet a dry NOx demission rate of <40mg/kWh.

Reason: To minimise the effect of the development on local air quality within an Air Quality Management Area, to accord with the National Planning Policy Framework and Policy 7.14 of the London Plan.

- 10** Details of a surface water drainage system (including storage facilities 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 system shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: To secure a satisfactory means of surface water drainage.

- 11** No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: In order to provide a sustainable drainage system to serve the proposed development.

- 12 Prior to the commencement of the development hereby permitted details of the appearance of the front boundary railings and gates (where appropriate) shall be submitted to and approved in writing by the Local Planning Authority. The gates/railings shall be installed in accordance with the approved details and shall be permanently maintained as such thereafter.**

Reason: In the interest of the appearance of the site, the visual amenities of the street scene and the character and appearance of the Conservation Area, to accord with Policies BE1 and BE11 of the Unitary Development Plan.

- 13 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.

- 14 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 the interest of the visual and residential amenities of the area and the character and appearance of the conservation area, in order to comply with Policies H7, BE1 and BE11 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

- 2** 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 regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk

- 3** Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water pipes. The developer should take account of this minimum pressure in the design of the proposed development.