

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

**Application No :** 17/01241/FULL1

**Ward:**  
**Bickley**

**Address :** 42 Orchard Road Bromley BR1 2PS

**OS Grid Ref:** E: 541569 N: 169802

**Applicant :** Mr John Doyle

**Objections :** YES

### **Description of Development:**

Demolition of existing dwelling and erection of 8 flats (2x3 bed, 4x2 bed and 2x1 bed) associated parking and landscaping.  
Revised plans showing private amenity space with screening for ground floor units

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 10

### **Proposal**

Planning permission is sought for the demolition of existing dwelling and erection of 8 flats (2x3 bed, 4x2 bed and 2x1 bed) associated parking and landscaping.

This is a revised scheme following a dismissed appeal.

### **Location**

The application site currently comprises of a detached single storey dwelling set on a large and prominent corner plot on the southern side of Orchard Road and the corner of Sundridge Avenue. The land to the south of the application site, beginning along Sundridge Avenue, is defined as a conservation area. The interest of Sundridge Avenue Conservation Area lies in its completeness as a row of substantial late Victorian villas.

The existing bungalow has a relatively low profile in relation to the Sundridge Avenue street scene and the adjacent Conservation Area which arises from not only the single storey height of the dwelling but also the surrounding space within its plot together with the set-back from the Sundridge Avenue frontage: there is currently around a 12m minimum set-back between the front of the existing dwelling and Orchard Road and around 12.8m minimum set-back between the flank wall of the bungalow and Sundridge Avenue.

This spaciousness is mirrored on the opposite corner of Sundridge Avenue and Orchard Road, where there is a generous separation between No.22 and the two highway boundaries.

The surrounding area is predominantly residential in character, although in the immediate context of the application site is a preparatory school on the opposite side of Orchard Road, and to the south in Sundridge Avenue is a care home.

Along Orchard Road the properties are varied in age, size and design, however, a significant number of them are substantial in scale, being either larger dwellings or blocks of apartments. The dwellings are also varied to the south along Sundridge Avenue.

## **Consultations**

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

- Loss of privacy . The view from the upper floors will look directly into neighbouring windows.
- Overshadowing from height, size and bulk. The positioning of the balconies facing neighbouring property will allow noise, smell and smoke into neighbouring windows.
- Noise from the flats, cars parking and the number of people living there will increase to such an extent that it will effect substantially quality of life.
- Will restrict views of the streetscene,
- The number of proposed flats will impact on an already busy road junction. It will add to the congestion and road safety issues caused by the volume of traffic at this junction and the additional traffic related to the school directly opposite.
- Inadequate parking.
- Where will visitors park?
- Residents will have limited amenity facilities, totally out of keeping with the area
- Design will impact upon the conservation area.
- The height and bulk of the proposed development are out of proportion to the properties alongside it on Orchard Road.
- The existing bungalow contributes to the open character of the area and as a gateway to the conservation area.
- The previously granted application consisted of up to 6 bedrooms. This application now consists of up to 16 bedrooms.
- The submission is disappointing in that it only differs from the previously refused application by the addition of a small private balconies or designated terraced area which would do little to greatly enhance the amenity space of any future residents and does nothing to address the real concerns raised by neighbours and local people against the previous application.

The above is a precis of the objections received. A copy of the full objections can be read online.

Further information was received in relation to how the terraces would be accessed and details of the privacy screening. Amended plans were received and all neighbours were reconsulted on 6th July 2017 for 14 days.

The following representations were received

- Original objection still stands. The privacy screening does nothing at all to allay concerns about noise and smoke
- The screens could easily be removed post completion and sale and would then look directly into neighbouring properties.
- The property is still too large and overbearing and the plot does not support the amount of planned properties, giving small external areas for 2 and 3 bedroom flats that are not conducive to the plot and its relationship to its neighbours
- The plans have been agreed for a family home from the current developer. We believed it was for their family home not 8 flats.

Highways officer - The development is situated on the corner of Orchard Road and Sundridge Avenue, which is accessed via both Orchard Road to the north and Sundridge Avenue to the east. Orchard Road forms a priority controlled junction with Sundridge Avenue at the north east corner of the site. Immediately opposite the site is Beaside Preparatory School; also there are school keep clear road markings in the vicinity of the school entrance on the north side of Orchard Road and a pelican crossing approximately 10 metres to the west of the site access. There are double yellow lines at the junction with Sundridge Avenue prohibiting parking at all times.

Eleven car parking spaces are indicated on the submitted plans accessed utilising the existing access arrangements. This is acceptable. Cycle parking storage is also indicated on the plan

No objection subject to conditions

Trees officer - Comments from the previous application were as follows:  
The application site is largely free of mature trees and is currently landscaped with a large area of lawn and a number of flower beds, planted with occasional low level shrubs. The application site appears to be large enough to accommodate the proposed development, whilst retaining aspects of the current design/layout. As details of landscaping have not been submitted with the application, I would recommend that this is condition with any forthcoming planning permission.

Drainage - no objections subject to conditions

### **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  
BE13 Development Adjacent to a Conservation Area  
H1 Housing Supply  
H7 Housing Density and Design  
H8 Residential Extensions  
H9 Side Space  
NE7 Development and Trees  
T3 Parking  
T7 Cyclists  
T18 Road Safety

SPG: Sundridge Avenue Conservation Area  
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  
5.3 Sustainable Design and Construction  
5.13 Sustainable Drainage  
6.9 Cycling  
6.13 Parking  
7.2 An Inclusive Environment  
7.3 Designing out crime  
7.4 Local Character  
7.6 Architecture  
Mayor of London's Housing Supplementary Planning Guidance 2016

The NPPF 2012

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 submission of the draft Local Plan will be 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.

Relevant policies:

Draft Policy 1 Housing Supply  
Draft Policy 4 Housing Design  
Draft Policy 6 Residential Extensions  
Draft Policy 30 Parking  
Draft Policy 37 General Design of Development  
Draft Policy 73 Development and Trees

## Planning History

Planning permission was refused for the demolition of the existing dwelling and erection of 2 detached two storey dwellings including detached single storey garage to rear under planning ref.12/04009. The application was subsequently dismissed at appeal. In his report, the appeal Inspector concluded that the house at plot 1 adjacent to Sundridge Avenue would erode the open character of this corner harmful to the setting of the Sundridge Avenue Conservation Area.

A revised application for 2 two storey detached dwellings was also refused by the Council, under planning ref.13/01074 and subsequently dismissed at Appeal in a decision dated 28th Nov. 2013. The inspector considered that the proposal was insufficient to "address the previous Inspector's fundamental concerns over the introduction of a two storey (plus rooms in the roof) new dwelling into an open gap that defines the boundary to the Conservation Area" (Para.5, appeal decision, 28 Nov.2013). Furthermore, the design, scale and layout of the house at plot 1 would have been out of character with and harmful to the character and appearance of the adjacent Conservation area.

A subsequent application for 2 detached two storey dwellings with single garage to rear was refused by the Council on 16th Jan 2014 under ref.13/03677. The reason for refusal was:

The proposed dwellings, by reason of their scale, bulk and prominent positioning in relation to the Sundridge Avenue conservation area, would be harmful to the setting of the adjacent conservation area and detrimental to the visual amenities of the street scene, contrary to Policies BE1, BE13 and H7 of the Unitary Development Plan

Planning permission was also refused on 23rd September 2014 under ref 14/02857/ful for the demolition of existing single storey bungalow and erection of a two storey detached house. It was refused for the following reasons:

The proposed dwelling, by reason of its scale, bulk and positioning in relation to the boundaries, would erode the open character of this corner, harmful to the setting of the Sundridge Avenue Conservation Area and detrimental to the visual amenities of the street scene, contrary to Policies BE1, BE13, H7 and H9 of the Unitary Development Plan.

The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy and amenity to the occupiers of No 40 Orchard Road, contrary to Policy BE1 of the Unitary Development Plan.

Planning permission was subsequently granted on 15th May 2015 under ref: 15/00862/full for the demolition of the bungalow and the erection for a two storey detached dwellinghouse with associated vehicle parking

Planning permission was refused under ref 16/00895/FUULL1 for Demolition of existing dwelling and erection of 8 flats (2x3 bed, 4x2 bed and 2x1 bed) associated parking and landscaping.

- The increase in the number of units will intensify the use of the site and would be detrimental to the character of the surrounding area which comprises predominantly large single family dwelling houses on generous sized plots with no precedent for purpose built flats. This would be contrary to Policy BE1 of the UDP and Policy 3.5 of the London Plan.
- No private amenity space is provided for any of the units which is contrary to Policy 3.5 of the London Plan and the associated Housing SPG 2016
- The size and siting of the proposed development, by reason of their forward building lines would be detrimental to both the street scene and that character and appearance of the adjacent Sundridge Avenue Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan

It was subsequently dismissed on appeal under reference APP/G5180/W/16/3159134 and the context of this appeal decision is discussed below.

## **Conclusions**

The main issues relating to the application are the effect that it would have on the character of the area and the impact that it would have on the amenities of the occupants of surrounding residential properties and whether this revised application has overcome the previous dismissed appeal.

### Design, Siting and Appearance

Policy BE1 and the Council's Supplementary design guidance seeks to ensure that new development, is of a high quality design that respects the scale and form of the host dwelling and are compatible with surrounding development. This includes consideration of gaps between dwellings, when they contribute to the character of the area.

There is extensive history on this site as summarised above. The most recent appeal APP/G5180/W/16/3159134 was dismissed on the grounds of the adverse impact in relation to living conditions in respect of outdoor amenity space. In respect of character and appearance, the Inspector in her decision, stated that despite the sensitive location of the appeal site, the proposal would not significantly reduce the existing openness of the plot which allows views into the Conservation Area. In relation to the Council's grounds of refusal relating to the intensification of the use of the site which would be detrimental to the character of the area, the Inspector commented that there would be no doubt that the proposal would result in an increased level of domestic paraphernalia than that of a single family dwelling house. She further accepted that the predominant character of the wider locality is residential with the majority of dwellings being for single family dwellinghouses. However she went on to say that the 'immediate area surrounding the appeal site

consists of a mix of uses, including a school, flats and a number of care/nursing homes. Overall, I consider that the introduction of 8 flats in this location would not generate such a significant increase in activity on the site in comparison to that which already occurs in the immediate area. I therefore do not find that the proposal would represent an over intensification of the site which would undermine the established character of the area.

This current proposal maintains a generous side setback in line with the previously approved application, at approximately 9 and 14m. Further, in terms of the physical building, this proposal is similar in footprint, and bulk to the approved scheme. Whilst the western elevation will be approximately 3m closer to the boundary than the approved scheme, a 5m setback from the boundary will be maintained. The Inspector, on the most recent appeal decision considered the overall bulk and mass to be acceptable and would not be detrimental to the character and appearance of the Conservation Area.

### Standard of Accommodation

Policy 3.5 of the London Plan 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. The minimum standards outlined within Policy 3.5 and the Mayors Housing SPG 2016 have been met. The proposed units would provide a satisfactory level of internal amenity in terms of outlook and sunlight/daylight.

The size of the units remains the same as the previous application which the inspector considered to be acceptable.

### Amenity Space

The Mayor of London's Housing Supplementary Planning Guidance 2006 states that private open space is of a high value and should be provided in all new housing developments, Standard 26 of the SPG requires that a minimum of 5 square metres of private outdoor space is provided for 1-2 bedroom units, with a further 1 square metre being provided for each additional occupant and in particular, ground floor flats should preferably have private gardens.

No amenity space was provided on the previous application. In regards to this, the Inspector's decision stated 'I note the suggestion by the appellant that, given the size of the plots that the outdoor space could easily be divided to meet the required standards. However, no proposals have been submitted to show how this could be achieved and therefore an assessment of the potential impact on the character and appearance of the appeal site and wider area is not possible, As such , in the absence of detailed information I am not persuaded that the matter could be dealt with by the imposition of a condition.

Consequently, the proposal would fail to provide a level of outdoor amenity space that could reasonably be expected in the context of such a development. I therefore find that the proposal would cause significant harm to the living conditions of future occupiers contrary to Policy 3.5 of The London Plan and guidance contained within the SPG, which when taken together seek , amongst

other things, to ensure new development provides a good standard of residential amenity for future occupants of buildings'.

In response to this, the application now provides amenity space in the form of balconies on the upper levels, and terraces serving the ground floor units ranging in size from 5sqm to 10sqm terraces areas on the ground floor. Doors rather than windows are now proposed on the ground floor to provide direct access to the terraces. Whilst the level of 'private' open space at ground floor is debatable given the heights of the proposed screening at 1.1m, additional height of the screens would increase the overall bulk and change the character of the building. Therefore on balance, the provision of amenity space is considered to be acceptable.

#### Impact upon residential amenity.

Two habitable room windows are proposed on the western elevation at first floor level serving a living room and at ground floor serving a bedroom. The first floor level window would be located approximately 12.4m from the boundary and obscure glazing on the lower level is proposed to prevent direct overlooking to the adjacent single storey dwelling 40 Orchard Road. Further, there is adequate separation to the boundary and the proposal is not considered to have any adverse impact upon the amenities of No.40 Orchard Road.

To the south, there would remain a substantial separation between the proposed houses and 19 Sundridge Avenue, which is a nursing home and as such the impact on the amenities of residents at the home is considered acceptable.

The balconies serving Units 7 and 8 in the roofspace will be located in the north and south elevation, to prevent direct overlooking to the neighbouring properties. The two balconies on the western elevation at first floor level serving Units 5 and 6 would look towards the flank wall of the neighbouring property No. 40 Orchard Road.

The Inspector on the previous application did not consider that there would be any adverse impact upon neighbouring amenity and the proposed amenity space is not considered to cause significant overlooking to warrant refusal.

#### Highways and Traffic Issues

The site is located in an area with low PTAL rate of 1b (on a scale of 1 - 6, where 6 is the most accessible). It is therefore likely that future residents will own cars.

#### Car Parking and traffic impact

The development is situated on the corner of Orchard Road and Sundridge Avenue, which is accessed via both Orchard Road to the north and Sundridge Avenue to the east. Orchard Road forms a priority controlled junction with Sundridge Avenue at the north east corner of the site. Immediately opposite the site is Beaside Preparatory School; also there are school keep clear road markings in the vicinity of the school entrance on the north side of Orchard Road and a pelican crossing approximately 10 metres to the west of the site access. There are



double yellow lines at the junction with Sundridge Avenue prohibiting parking at all times.

The maximum residential parking standards require up to 1.5 parking spaces for 3 bed properties and less than 1 parking space per unit for 1-2 bed properties . Eleven car parking spaces are indicated on the submitted plans accessed utilising the existing access arrangements. This is acceptable and complies with the maximum standards as set out in the UDP. Three additional spaces have therefore been provided.

The peak hour for residential development would be in the morning peak between 8:00 to 9:00am 0.408 vehicles per dwelling will depart i.e.  $9 \times 0.408 = 4$  vehicles and 1 will arrive in the morning peak. Similarly in the afternoon peak between 17:00 and 18:00 0.361 will arrive  $9 \times 0.361 = 3$  to 4 car will arrive. As it can be seen from these figures the impact on the network is minimal and the afternoon peak does not coincide with the school departure.

The previous inspector considered the provision of parking space and traffic impact and raised no objection.

#### Cycle storage

A covered and secure cycle storage facility is provided for the flats to encourage cycling as a sustainable transport alternative cycle parking will be needed at 1 space per 1 bed unit and 2 spaces for all other dwellings and this could be dealt with by condition.

#### Trees

The application site is largely free of mature trees and is currently landscaped with a large area of lawn and a number of flower beds, planted with occasional low level shrubs. The application site appears to be large enough to accommodate the proposed development, whilst retaining aspects of the current design/layout. As details of landscaping have not been submitted with the application, a condition could be required requesting further details

Having had regard to the above and taking into consideration the inspector decision, member may consider that the provision of amenity space is now acceptable.

Background papers referred to during production of this report comprise all correspondence on the file 17/01241 and planning history set out in the Planning History section above, excluding exempt information.

### **RECOMMENDATION: PERMISSION**

#### **Subject to the following conditions:**

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.

**Reason: Section 91, Town and Country Planning Act 1990.**

- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development**

- 3 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.**

- 4 Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.**

- 5 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.

**6** 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:** To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan.

**7** 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 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.

- 8** Before commencement of the development hereby permitted details of (a) turning area(s) within the site shall be submitted to and approved in writing by the Local Planning Authority. The turning area(s) shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.

**Reason:** In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.

- 9** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 10** Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved arrangements shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** 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.

- 11** 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.

- 12** 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.

- 13** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 14** Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.

- 15** No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

**Reason:** In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan

- 16** Details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority before work commences and the development shall be completed strictly in accordance with the approved levels.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

**17 The existing buildings on the site shall be demolished and the site cleared prior to the commencement of the development for the new dwelling hereby permitted.**

**Reason: In order to comply with Policies BE1 and H7 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.**