

Section 4: Applications recommended for refusal or disapproval of details

Application No : 17/01073/FULL1

Ward:
Petts Wood And Knoll

Address : 1 Melbourne Close Orpington BR6 0BJ

OS Grid Ref: E: 545459 N: 166793

Applicant : Mr Andrew Shearman

Objections : No

Description of Development:

Single detached dwelling to the rear of existing property at no. 1 Melbourne Close. Orpington

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 4

Proposal

Planning permission is sought for the erection of a single detached dwelling to the rear of the existing property at no. 1 Melbourne Close. The proposed dwelling is a two storey detached building which would have access onto Bicknor Road, with a detached garage to the side of the dwelling.

Location

The existing plot currently houses one dwelling which faces onto Melbourne Close. It has a large rear garden which backs on to Bicknor Road and currently just has a pedestrian gate which opens out onto a grass verge. The rear boundary of the site splays out and is generous in size and sits on a curve along from a terrace of existing properties.

The site does not lie within a conservation area and is not a Listed Building.

Consultations

Nearby owners/occupiers were notified of the application and no representations were received.

Bromley highways Engineer has advised: 'The proposed vehicle crossover from Bicknor Road does not comply with the Council's adopted Provision of Footway Crossovers: Policy and Guidelines, in respect of highway verges.

This Policy aims to avoid the adverse impact that crossovers can have on the amenity of an area by restricting crossovers in grass verges to both 3.0m in length and 3.0m in width.

This application should thus be refused as being contrary to this Policy on the grounds that it would not be in the interest of the visual amenity of the area.'

Bromley Drainage Engineer has advised: 'Please impose D02.'

Bromley Public Protection has advised: 'I have looked at the above application and the following informatives are required:

Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.'

Planning Considerations

National Planning Policy Framework (NPPF) (2012)

Para 14 of the NPPF confirms that the NPPF has a presumption in favour of sustainable development, and that development that accords with the development plan should be approved unless material considerations indicate otherwise. (See paras 11, 12, 13 of NPPF.)

The London Plan (2015)

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Design and Quality of Housing Developments
- 3.8 Housing Choice
- 5.1 Climate Change
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.6 Architecture

The National Planning Policy Framework (NPPF)

The Mayor's Housing Supplementary Planning Guidance (March 2016)

DCLG Technical Housing Standards (March 2015)

Unitary Development Plan (2006)

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T11 New Accesses
- T18 Road Safety

- SPG1 General Design Principles
- SPG2 Residential Design Guidance

Other Guidance

Supplementary Planning Guidance 1 - General Design Principles

Supplementary Planning Guidance 2 - Residential Design Guidance

The Council is preparing a Local Plan. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in mid 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

1 Housing Supply
4 Housing Design
8 Side Space
30 Parking
37 General design of development
116 Sustainable Urban Drainage Systems
123 Sustainable design and construction

Planning History

None

Conclusions

The main issues relating to the application are the principle of the development, 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.

Principle of Development

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2015) generally encourage the provision of small scale infill development in previously developed residential areas 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.

It shall also be noted that the Borough's five year housing supply position (2014/15-2019/20) illustrates that the Borough can accommodate five years supply of housing through a variety of deliverable sites and has delivered sufficient completions over the past few years

Therefore, in this case it can be concluded that the site is not required to fulfil the Borough's housing targets and as such the suitability of the site is considered on site specific merits.

Policy H7 of the UDP advises that new housing developments will be expected to meet all of the following criteria in respect of; density; a mix of housing types and sizes, or provides house types to address a local shortage; the site layout, buildings and space about buildings are designed to a high quality and recognise as well as complement the qualities of the surrounding areas; off street parking is provided; the layout is designed to give priority to pedestrians and cyclists over the movement and parking of vehicles; and security and crime prevention measures are included in the design and layout of buildings and public areas.

The justification paragraphs following the policy, provides further clarification of the Council's approach to backland and infill sites such as that now under assessment.

Many residential areas are characterised by spacious rear gardens and well-separated buildings. The Council will therefore resist proposals which would tend to undermine this character or which would be likely to result in detriment to existing residential amenities. "Tandem" development, consisting of one house immediately behind another and sharing the same access, is generally unsatisfactory because of difficulties of access to the house at the back and the disturbance and lack of privacy suffered by the house in front.

Backland development, involving development of land surrounded by existing properties, often using back gardens and creating a new access, will generally also be resisted. Private gardens can be of great importance in providing habitats for wildlife, particularly in urban areas. Except in Areas of Special Residential Character, such development, however, may be acceptable provided it is small-scale and sensitive to the surrounding residential area.

The rear garden of No.1 is of a generous size and has a wide boundary to the rear where it accesses Bicknor Road. The spatial quality that would result from the development respects the general grain of development in the locality, and the resulting plot at No. 1 would not appear out of keeping in the locality, especially when compared with the neighbouring Appledore. The layout of the site lends itself comfortably to the proposed rear access, and this would not have a detrimental impact on any adjoining occupiers.

As such the addition of a new dwelling to the rear is acceptable in principle.

Design and Bulk

Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness. London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, and have regard to the pattern and grain of existing streets in orientation, scale, proportion and mass.

Policy BE1 states that all development proposals, including extensions to existing buildings, will be expected to be of a high standard of design and layout.

Policy H9 states that when considering applications for new residential development, including extensions, the Council will normally require the following:

- (i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or
- (ii) 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. This is reiterated in draft policy 8.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining

residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.

The proposal creates a new plot to the rear of No.1 Melbourne Close. Given the current size of the plot, this would not have a detrimental impact on the grain of development in the locality. The resultant plot would appear as congruous and make good use of the corner plot fronting on to Bicknor Road. The creating of a frontage on Bicknor Road would accord with the character of the streetscene, and the proposed development and garage are of an appropriate size and scale to the site and the area more generally. The proposed dwelling is sited and oriented in a manner that would respect the characteristics of the plot with the inset area of the 'L' shaped building facing towards the streetscene. The garage would appear subservient to the dwelling and would not be overly dominant within the streetscene.

The building itself would sit at a modest height and size, measuring 7m to the ridge, and 10m in width and 10m in depth, set over an 'L' shape which would distribute the bulk of development in an acceptable manner. The styling and detailing of the building is of a high quality that would respect the surrounding development and remain subtle within the locality.

The proposal would maintain a high spatial quality around the proposed dwelling and the host dwelling and would accord with the character and appearance of the streetscene and the surrounding character.

Turning to the creation of a vehicular access onto Bicknor Road to serve the development, this would necessitate a crossover of excessive depth across the grass verge in the highway as a result of the curve in the road. Highways have raised objections to the proposal on the basis that this would not accord with their policy on crossovers, and in planning terms it is considered that the excessive length of crossover required and the resultant break in the grass verge would unacceptably harm the visual amenities of the street scene in Bicknor Road and the character of the wider area. In the absence of an acceptable means of accessing the development and provision of dedicated off-street parking to serve the proposed dwelling, the proposal would also have the potential to give rise to additional demand for on-street parking in the vicinity of the site.

Although, the design and appearance of the proposal is acceptable in all other respects, the vehicular access in Bicknor Road would result in an unacceptable impact on street scene and the character of the area, and therefore cannot be supported in this regard.

Neighbouring amenity

Policy BE1 seeks to ensure that new development proposals, including residential extensions respect the amenity of occupiers of neighbouring buildings and that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is reiterated in draft policy 37.

The proposal sits a comfortable distance within the plot away from neighbouring dwellings. There would be a 9m gap between the side elevation of the proposed dwelling and No. 37 Bicknor Road, however this would be at an oblique angle, and there are no first floor windows shown in the proposed elevation facing towards the neighbouring building. There would therefore be no impact on the privacy of the adjoining dwelling. The distance is sufficient to ensure that there would be no loss of daylight / sunlight and the proposal would not have an overbearing impact on the dwelling.

A 31m gap would be retained between the two facing rear elevations of the proposed and the host dwelling. This is sufficient to ensure that there would be no loss of daylight / sunlight and the proposal would not have an overbearing impact on the dwelling. Only one rear window is shown at first floor level facing back towards the host dwelling. This is shown as serving a stairwell and being obscurely glazed. As such, there would be no loss of privacy to the occupants of No.1 Melbourne Close.

The side elevation of the proposal would sit at an oblique angle to the rear of No. 84 Lynwood Grove. The proposal has been designed with only rooflights and ground floor windows within this elevation. A gap of approximately 45 m would remain between the two dwellings. Owing to these factors, there would be no loss of daylight / sunlight. The proposal would not have an overbearing impact on the dwelling and there would not be an objectionable loss of privacy.

The proposal would therefore not cause harm to the amenity of neighbouring occupiers.

Other considerations

The proposed dwelling would provide a satisfactory level of off street parking, notwithstanding the concerns raised regarding the means of access to the development and the resultant impact on the character of the area raised earlier in the report.

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The size of the proposed dwelling would comply with the minimum standards. On balance this is considered acceptable.

The shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have reasonable levels of light and outlook.

Given the layout of the site, cycle parking and refuse storage could be accommodated within the site.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

An informative is recommended with any approval to ensure that the development strives to achieve these objectives

Mayoral Community Infrastructure Levy (CIL)

The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly policies 6.5 and 8.3. The Mayoral CIL formally came into effect on 1st April, and it will be paid on commencement of most new development in Greater London that was granted planning permission on or after that date. The Mayor's CIL will contribute towards the funding of Crossrail. The Mayor has arranged boroughs into three charging bands. The rate for Bromley is £35 (plus indexing) per square metre.

If permitted, the current application would be liable to this requirement.

Overall conclusion

The proposed access to the development via Bicknor Road would necessitate a crossover which would result in an unacceptable impact on the visual amenities of the street scene and the character and appearance of the area, contrary to Policy BE1 of the UDP.

It is therefore recommended that planning permission be refused.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1. The proposed vehicular access from Bicknor Road would necessitate a crossover of excessive depth across the existing grass verge, which would unacceptably harm the visual amenities of the street scene and the character and appearance of the area contrary to Policy BE1 of the UDP.**