

Section '3' - Applications recommended for PERMISSION, APPROVAL or CONSENT

Application No : 17/03167/FULL1

Ward:
**Chelsfield And Pratts
Bottom**

Address : 30 Oxenden Wood Road Orpington BR6
6HP

OS Grid Ref: E: 547047 N: 163659

Applicant : Mr J & Mrs A Bushnell

Objections : YES

Description of Development:

Demolition of existing dwelling and garages and erection of detached two storey 6 bedroom dwelling with accommodation in roofspace and integral garage

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency

Proposal

Permission is sought for the replacement of this dwelling with a detached two storey 6 bedroom dwelling which would include accommodation in the roof. The new dwelling would be set in line with the front of the existing dwelling, but would project a further 4.5-9m to the rear. It would maintain separations of 2m to the flank boundaries with Nos. 28 and 32, and would be set back 10.7m from the road.

The new dwelling would have a height of 9m to the roof apex, and the roof accommodation would have side rooflights and rear dormers.

The plans have been revised since originally submitted to lower the main roof ridge by 0.2m, replace the rear gable to a barn hip roof, and replace the side dormers with rooflights.

Location

The application site lies on the north-eastern side of Oxenden Wood Road and is currently occupied by a detached two storey 3 bedroom dwelling and a detached garage along with other outbuildings to the rear of the house. The site measures 0.29ha in area, and has a long rear garden approximately 120m in depth.

The surrounding area is generally characterised by detached dwellings of varying sizes and designs set within spacious plots. The road rises gently towards the

south-east such that No.28 to the south-east is at a slightly higher level, and No.32 to the north-west is slightly lower.

Consultations

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

- overdevelopment of the site
- detrimental impact on the street scene
- excessive depth of the dwelling would adversely affect the neighbouring properties
- loss of outlook from adjacent properties
- overlooking of neighbouring properties and gardens
- loss of light to flank windows at No.28
- loss of a mature sycamore
- a number of trees on the site have already been removed
- roofline of the dwelling is still too high
- a third storey is not typical of the surrounding area
- overlooking from side dormers (now replaced by rooflights).

A number of letters in support of the proposals have also been received.

The application was called into committee by a Ward Councillor.

Comments from Consultees

With regard to highways matters, the site has a low (1b) PTAL rating, so car ownership is expected to be associated with future occupiers of the property. A minimum 1.5 car parking spaces would be required, and the proposals provide a garage space (part of the garage is for storage space and is not usable by a car), along with 2 car parking spaces on the double width drive at the front.

Oxenden Wood Road is subject to part-time waiting restrictions, and accommodates on-street parking without any significant detriment to the free flow of traffic or conditions of safety in the highway. No highways objections are therefore raised to the proposals.

With regard to drainage, there is no public surface water sewer near the site, and the use of soakaways is recommended in the area. No drainage objections are raised to the proposals.

Planning Considerations

The application falls to be determined in accordance with the following policies of the Unitary Development Plan

BE1 Design of New Development
H7 Housing Density & Design

H9 Side Space
T3 Parking
T18 Road Safety
NE7 Development and Trees

The Council is preparing a Local Plan. The submission of the draft Local Plan was made to the Secretary of State on 11th August 2017. These documents are a material consideration. The weight attached to the draft policies increases as the Local Plan process advances. The relevant policies are as follows:

Draft Policy 4 - Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 - Road Safety
Draft Policy 37 - General Design of Development
Draft Policy 73 - Development and Trees

London Plan (2015) Policies:

Policy 3.3 Increasing Housing Supply.
Policy 3.4 Optimising Housing Potential
Policy 3.5 Quality and design of housing developments
Policy 3.8 Housing choice
Policy 5.1 Climate change mitigation
Policy 5.2 Minimising carbon dioxide emissions
Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
Policy 5.10 Urban greening
Policy 5.11 Green roofs and development site environs
Policy 5.12 Flood risk management
Policy 5.13 Sustainable drainage
Policy 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

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

Conclusions

The main issues in this case are the impact of the proposals on the character and spatial standards of the surrounding area, on the amenities of neighbouring residential properties, on parking and road safety in the adjacent highway, and on important trees on the site.

Amount of development and character and appearance of the area

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

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

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

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

With regard to the density of the proposed development, Table 3.2 of Policy 3.4 (Optimising Housing Potential) of the London Plan gives an indicative level of density for new housing developments. In this instance, the proposal (which is for a single replacement dwelling) would represent a density of 3 dwellings per hectare with the table giving a suggested level of between 35-75 dwellings per hectare in suburban areas with a 1 PTAL location. The proposals would therefore result in an intensity of use of the site that would be below the thresholds in the London Plan, however, they need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

Size, scale and design

Policy 3.4 of the London Plan specifies that Boroughs should take into account local context and character, the design principles (in Chapter 7 of the Plan) and

public transport capacity; development should also optimise housing output for different types of location within the relevant density range. This reflects paragraph 58 of the National Planning Policy Framework, which requires development to respond to local character and context and optimise the potential of sites.

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

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

Policy H9 of the UDP requires new developments to provide a separation of at least 1m to the flank boundaries in respect of two storey development, whilst a more generous side space would be expected where higher standards of separation already exist.

The proposals are for a larger replacement dwelling on the site that would extend closer to the side boundaries and further to the rear. However, 2m separations to the side boundaries would still be provided, which would comply with the Council's side space policy (H9), and the neighbouring properties already extend further to the rear at two storey level than the existing dwelling on the site.

With regard to the impact in the street scene, the new dwelling would be slightly higher than the existing dwelling, and would be considerably larger in bulk. However, the plot width is of a size that can accommodate a larger dwelling whilst still retaining good separations to the adjacent dwellings, and the new dwelling would not appear overly prominent or cramped within the street scene.

Future residential amenity

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

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

The proposals comprise a 6 bedroom dwelling over three storeys. The London Plan (2015) suggests that the minimum size of a 6 bedroom 8 person dwelling

should be 138sq.m. The proposed dwelling would provide 637sq.m. floorspace, and would therefore achieve this standard.

The dwelling would retain a very generous rear garden which would be similar to the adjoining properties, and would therefore provide a very good standard of outdoor amenity space for future occupiers.

Impact on neighbouring residential amenity

With regard to the impact on neighbouring properties, the proposed dwelling would project 3.75m beyond the rear of No.28, which was itself extended to the rear around 10 years ago, but there would be a separation of approximately 4-5m between the dwellings, and the outlook from the rear of the neighbouring dwelling would not therefore be significantly affected.

The facing flank wall of No.28 has bedroom and bathroom windows at first floor level, but these would not be unduly affected in terms of light or outlook due to the separation distance from the proposed dwelling and the slightly higher level of the adjacent house. Furthermore, the first floor flank windows in the new dwelling would be bathroom windows and secondary bedroom windows which can be conditioned to be obscure glazed to protect the privacy of the adjacent property.

With regard to the impact on No.32, the proposed dwelling would project 4m beyond this dwelling which has also been extended to the rear, but there would be a gap of approximately 6m between the dwellings, and no undue loss of light, privacy or prospect to this dwelling is likely to occur. The first floor windows in the facing flank elevation of the proposed dwelling would serve bathrooms, and can be conditioned to be obscure glazed to protect privacy.

Overall, the proposals are not considered to have a detrimental impact on the amenities of adjoining occupiers.

Impact on highway safety

With regard to parking and highway matters, the Council's Highways Officer does not raise any objections to the proposals in principle, subject to safeguarding conditions.

Impact on trees

The arboricultural submissions have addressed the tree constraints associated with the proposed development. There is no tree protective legislation to be considered at the site address, and the protection measures noted within the Arboricultural Impact Assessment and Method Statement will ensure the healthy retention of existing trees of significance on the site.

Conclusion

Having had regard to the above, it is considered that the proposals would not constitute an overdevelopment of the site, nor have a detrimental impact on the

character and spatial standards of the area, or the amenities of neighbouring properties.

as amended by documents received on 15.08.2017

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 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.

- 3 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

- 4 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 ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

- 5 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

- 6 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.

- 7 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.

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 4A.14 of the London Plan and Planning Policy Statement 25.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In order to comply with Policies H7 and BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

- 9 No windows or doors additional to those shown on the permitted drawing(s) shall at any time be inserted in the elevation(s) of the **** hereby permitted, without the prior approval in writing of the Local Planning Authority.**

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

- 10 Before the development hereby permitted is first occupied the proposed window(s) in the elevation shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan

- 11 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 in the interest of the visual and residential amenities of the area.

- 12 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.

13 The development shall be implemented in accordance with the Arboricultural Impact Assessment & Method Statement (TH1433) approved as part of the planning application, under the supervision of a retained arboricultural specialist in order to ensure that the correct materials and techniques are employed.

To ensure that works are carried out according to good arboricultural practice and in the interests of the health and amenity of the trees to be retained around the perimeter of the site and to comply with Policy NE7 of the Unitary Development Plan.

14 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently thereafter.

To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that :

1 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.

2 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