

SECTION '2' – Applications meriting special consideration

Application No : 17/02775/FULL1

Ward:
Clock House

Address : 14 Hayne Road, Beckenham BR3 4HY

OS Grid Ref: E: 536776 N: 169638

Applicant : Mr K Crisp

Objections : YES

Description of Development:

Erection of detached three bedroom dwelling comprising ground floor and basement accommodation, with associated residential curtilage, parking, cycle parking and refuse provision.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12

Proposal

The host site is a two storey, detached character dwelling set on a long, narrow strip of land located to the west side of Hayne Road, on a corner plot with Whitstable Close. The south flank of the existing dwelling is set to the boundary (and to the back edge of the adjacent footpath). The severed part of the site which comprises the application site is set to the rear of 14 Hayne Road and accessed from Whitstable Close. The southern boundary continues along a footpath which is flanked by numbers 13-19 Whitstable Close. These properties face onto the application site. The north boundary abuts the garden to number 12 Hayne Road.

The scheme proposes the erection of a detached three bedroom (5 person) dwelling comprising ground floor and basement accommodation, with associated residential curtilage, parking, cycle parking and refuse provision.

Consultations

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

- Garden grabbing - leading to an un-satisfactory sub-division of existing plot. Should remain as garden land
- Over-development
- Out of character
- Out of scale
- Incongruous design

- The proposed development would be the only dwelling with a drive for vehicles (all cars park in spaces on the road, most of which is controlled by the permit system) - out of keeping with existing properties
- Highway safety - impact on children playing in Close
- Residents living at numbers 13 and 14 would be faced with an enclosing effect of a solid wall - a claustrophobic, prison-like effect for the residents living in these houses
- Overgrown garden area is a natural habitat supporting a wide variety of plant life supporting a diverse population of insects and birds.
- Proposal has not addressed previous appeal decision concerns re 'the extended linear form of the building, coupled with the lack of space on either side, would result in an incongruous structure which would be poorly related to the existing pattern of development'.
- Previous appeal decision also considered the scheme to be overbearing in views from the front ground floor windows of numbers 13 and 14 Whitstable Close and in relation to the footpath serving numbers 13 - 19.... That it would have an unduly enclosing effect in relation to these two dwellings to a degree that would be harmful to living'.
- Incorrect information on Design and Access Statement - while there are a few unrestricted spaces in Whitstable Close and Hayne Road, the majority of spaces in Whitstable Close are restricted permit parking
- drainage - this is a crucial point which should be considered as part of the application rather than as an afterthought, particularly as the proposal would involve digging down to form a large basement for the three bedrooms.
- seems like a choice of a slightly avant-garde design in an attempt to make it so out of character that it will be acceptable because it is so different - strongly oppose this development which would be totally alien to its surroundings and detrimental to the character and amenity of Whitstable Close.

A petition has also been received containing approximately 18 signatories and relates to the following points:

- Garden grabbing
- Out of scale and character
- Loss of open aspect of the neighbourhood
- Squeezed in and in very close proximity to 13 and 14 Whitstable Close
- Create an enclosing effect for residents of 13 and 14 Whitstable Close

No Highways objections are raised and conditions and informatives are suggested in the event of a planning permission.

Drainage comments state: "We accept the applicant's statement in the submitted Design and access statement to use attenuation to store surface water run-off". Conditions are suggested in the event of a planning permission.

No objections are raised from an Environmental Health (Pollution) point of view.

Planning Considerations

The application falls to be determined in accordance with the NPPF, the London Plan and the following policies of the Unitary Development Plan:

BE1 Design of New Development
H1 Housing Supply
H7 Housing Density and Design
H8 Residential Extensions
H9 Side Space
T1 Transport Demand
T3 Parking
T7 Cyclists
T16 Traffic management and sensitive environments
T18 Road Safety

SPG 1 - General Design Principles
SPG 2 - Residential Design Guidance

London Plan (2015)

3.3 Increasing housing supply
3.4 Optimising housing potential
3.5 Quality and design of housing developments
3.8 Housing choice
5.1 Climate change mitigation
5.2 Minimising carbon dioxide emissions
5.3 Sustainable Design and Construction.
5.7 Renewable Energy
5.12 Flood Risk Management
5.13 Sustainable Drainage
5.15 Water use and supplies
6.9 Cycling
6.13 Parking
7.2 An Inclusive Environment.
7.3 Designing out crime
7.4 Local character
7.6 Architecture

Adoption of Minor Alterations to London Plan (MALP) and Housing SPG (2016)

The Council is preparing a Local Plan. The submission of the Draft Local Plan was made to 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. Draft policies relevant to this scheme comprise:

Policy 37	General Design of Development
Policy 1	Housing Supply
Policy 4	Housing Design
Policy 8	Side Space

Policy 99	Residential Accommodation
Policy 30	Parking
Policy 33	Access for All
Policy 32	Road Safety

Planning History

The planning history of the site includes application reference 11/02526 for detached two bedroom single storey dwelling with vehicular access from Whitstable Close. This was refused for the following reasons:

The proposal involves the unsatisfactory subdivision of an existing plot, leaving inadequate space about the host dwelling that would be out of character and scale with adjoining development and with the area in general thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.

The location of the proposed dwelling and the amenity space provided would not provide a satisfactory living environment for future occupiers by reason of overlooking and loss of privacy contrary to Policies H7 and BE1 of the Unitary Development Plan.

A subsequent appeal was dismissed.

An earlier planning application reference 04/02910 for 2 detached three bedroom houses with 5 car parking spaces which was refused for the following reasons:

The proposal is out of character with the surrounding area in terms of scale, form and layout and comprises a cramped form of development of the site, resulting in inadequate amenity space for future residents, thereby contrary to Policies E.1 and H.2 of the adopted Unitary Development Plan and Policies BE1 and H6 of the second deposit draft Unitary Development Plan (September 2002).

The proposal would have a detrimental impact on the visual and residential amenity of adjacent properties, in particular an unacceptable loss of privacy and light, thereby contrary to Policies E.1 and H.2 of the adopted Unitary Development Plan and Policies BE1 and H6 of the second deposit draft Unitary Development Plan (September 2002).

Conclusions

The main issues relating to the application include the principle of development, the design and appearance of the scheme and the impact of these alterations on the character and appearance of the area and locality, impact on the amenities of neighbouring properties (i.e. relationship to existing buildings, overlooking, noise, disturbance etc.) and impact on the character of the area, the quality of living conditions for existing and future occupiers, highways and traffic issues and sustainability.

Principle of development

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out the presumption in favour of sustainable development. Whilst this site cannot be regarded as previously developed land for the purposes of the NPPF (as it comprises private residential garden) this does not necessarily preclude residential development of the land. The previous appeal decision particularly noted that "... I do not consider that there is an objection in principle to the loss of garden land in this case...".

Local objections are raised to the loss of garden land. Given the above and the view of the Planning Inspector it is considered that the principle of development is considered acceptable, however it remains necessary to assess whether or not this particular development could be successfully assimilated into its surroundings.

Design and Appearance

Policy BE1 states that 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 requires that 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.

The appeal decision noted that the '...extended linear form of the building, coupled with the lack of space on either side, would result in an incongruous form of development. Moreover, the relatively steep roof pitch would result in a dominant roof form which would be overbearing in views from the front ground floor windows of Nos 13 and 14 Whitstable Close and in relation to the footpath serving Nos 13-19....'. The Inspector did accept that the proposed plot sizes would be similar to others nearby but was concerned in relation to the visual impact of the proposed building in relation to its surroundings.

The proposed design now includes basement accommodation, the use of light wells, a flat, green roof, west and east oriented windows and a staggered footprint. Boundary treatment uses inset landscaped areas with the aim of visually softening the boundary treatment to the pedestrian footway serving Nos 13-19 Whitstable Close.

Local objections are raised to, amongst other things, over development, out of scale, out of character and the design approach and object that the use of a slightly avant-garde design in an attempt to make it so out of character that it will be acceptable because it is so different will result in development which would be

totally alien to its surroundings and detrimental to the character and amenity of Whitstable Close.

The NPPF advises that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. There is a variety of design form within the vicinity, which includes a number of flat roof design references and the location is not subject to any particular designations. Given these considerations and subject to the use of high quality materials it is considered that the proposed design offers an innovative approach to the site and would represent an acceptable design solution to its constraints.

Impact on the amenities of neighbouring properties

As noted, previous applications have included and raised planning concern in respect of over-dominant, un-neighbourly form of development. Neighbour concerns are raised in respect of the proximity of the development and the enclosing effect that will result. It is for careful consideration as to the impacts that would arise from this proposal.

Neighbours have pointed out the proximity of development to the rear of the site which makes the openness to the front of the site of increased amenity value. The layout of the ground floor of the houses to 13 and 14 Whitstable Close, which are arguably the most vulnerable in respect of impact on neighbouring amenity, provide an open plan kitchen and dining area. They each have a main front window and a glazed panel/window facing the front of the site. The design of these houses provides a flat roof single storey element which projects from the front of each house and to which partially glazed front doors are located.

The height of the proposed front wall scales at 1.8m and will be set c 8m from the front windows of the terraces at Whitstable Close. Behind the front wall and directly in front of No 14 the proposed development is staggered back and the overall height of the building is c 3.3m and will be c 11.6m from No 14's front window.

The boundary wall situation to the front of No 13 is the same but the wall of the proposed development (3.3m high) will be c 10.10m away, reducing to 9.4m from a c 75 degree angle from the front window.

It is understood the highest element of the building, which sits to the north of the proposed building, reaches c 3.8m in height and includes the use of PV panels.

The site itself is overgrown and the ground levels cannot be easily viewed. When viewed from the street there is a notable rise in level to the footpath outside No13. The relationship between the application site and (particularly) Nos 13 and 14 is sensitive. Having carefully considered the proposal in relation to the existing development it is officer view that, subject to the agreement of slab levels, the impact from the proposed development is unlikely to result in such a degree of enclosure and overbearing as to warrant a planning ground of refusal.

In the event of a planning permission it is recommended that permitted development rights be removed given the relationship to nearby dwellings.

To No 12 Hayne Road (the site to the north of the application site) there will be a height of c 3.3m to the boundary for a length of c 18m (stepping down to 1.8m high wall treatment). This is a significant height to a garden boundary but when considered within the scale and context of the adjacent garden the visual impact may not be considered to be so great as to result in a planning refusal ground in this respect.

Regarding the amenity to the host dwelling at 14 Hayne Road, a rear garden of c 15.20m is proposed. This will result in a parking area adjacent to the proposed rear boundary. A degree of noise and disturbance to this private amenity area will arise but given the existing situation and that the proposed parking will serve the one household it is unlikely that such a significant degree of disturbance will arise. Parking for the host dwelling will remain to the front of that property. No Highway concerns are raised.

Quality of living conditions for future occupiers

Policies 3.5 and 3.8 of the London Plan apply. The proposal addresses minimum space requirements specified. The design results in windows facing east and west and thus helps address previous concerns that windows on either side looking directly onto boundary fencing creating a cramped effect for future occupiers. The design does result in a limited aspect from bedrooms two and three resulting in limited outlook from these rooms. Light levels will also be reduced. The supporting statement advises that the light well will be south facing which will provide highlighting levels to the stairway and bedrooms 2 and 3. Environmental Health (Housing) comments will be reported verbally in respect of the impact of the basement areas on living conditions for future occupiers.

Policy 3.8 seeks a genuine choice of homes of different sizes and types, and of the highest quality. Housing quality assessment criteria (with particular regard to accessibility and adaptability) is aligned with the Building Regulations (replacing the previous requirement for Lifetime Homes). The supporting statement advises that the development will meet Lifetime Home and Codes for Sustainable Homes (as incorporated to Building control requirements).

Highways and traffic issues

Neighbour comments are raised in respect of local parking arrangements and concern for highway safety matters with the additional vehicle movements. The scheme includes off-street parking and no technical objections are raised from the highways point of view. Additional vehicle movements that are likely to arise from a development of this size will be nominal and are not considered to result in an unacceptable impact on highway safety. It is noted that no concerns were raised by the planning Inspector in this respect.

Sustainability

The supporting statement advises that the design includes for water conservations and high energy/thermal efficiency providing a sustainable design. Solar gain has also been factored in to the building allowing for renewable energy sources in the use of PV panels.

Community Infrastructure Levy

The proposal is CIL liable.

Summary

The principle of residential development in this location is not considered unacceptable and, on careful balance, it may be considered that the proposed development, subject to conditions relating to slab levels and restriction to any future permitted development rights, will not result in such significant detrimental impact on neighbouring amenity or the street scene.

Background papers referred to during production of this report comprise all correspondence on file references 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 in the interest of the appearance of the building and the visual amenities of the area

- 3 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.

4 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.

5 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.

6 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

7 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 drainage

8 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 drainage

- 9 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.

- 10 Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3 x 2.4 x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 1m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.**

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

- 11 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.

- 12 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 drainage

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

Reason: In the interest of highway safety

- 14 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 buildings, structures, alterations, walls or fences of any kind 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 the interest of neighbouring amenity and in order to comply with Policy BE1 of the adopted Unitary Development Plan

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 **Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the formation of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant**