

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

**Application No :** 17/00398/DET

**Ward:**  
**Penge And Cator**

**Address :** 213 Kings Hall Road Beckenham BR3 1LL

**OS Grid Ref:** E: 536597 N: 170331

**Applicant :** Brookworth Homes Limited

**Objections : YES**

**Description of Development:**

Details of scale, appearance and landscaping of development granted planning permission on appeal (LBB ref. 15/04458/OUT) for the introduction of an access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping.

**Key designations:**

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 25

**Proposal**

Outline planning permission was granted on appeal under reference 15/04458/OUT for the introduction of an access road and erection of three detached dwellings, each with a double garage, parking and associated landscaping. The scale, appearance and landscaping of the development were reserved matters.

The application was deferred from the committee meeting held on 9th May 2017 in order to afford the applicant the opportunity to consider:

- Reduction in size of windows
- The proposals to include the planting of more mature trees
- To lengthen the acoustic fencing
- To reconsider the position of the gates

Members also asked for clarification on the Council's position regarding condition 4 of the Inspector's decision on 15/04458, which specified a list of plans including 13121/C402C "Proposed Sketch Elevations," and the details submission under 17/00398.

Further to this latter point advice was sought from a legal perspective regarding the wording of the condition and compliance with the specified plans. Comments were received stating that while the Inspector may have exceeded their remit in respect of the outline application, the applicant had not challenged the decision letter nor had he made an application for the Council to vary the terms of the conditions. It was considered that one avenue for resolving the issue would have been to make an application to the Council to vary the Inspector's conditions if he did not wish to comply with them (with specific regard to the inclusion on the illustrative/indicative sketch elevation in the list of plans referred to in condition 4).

The applicant submitted such an application under reference 17/03050/RECON, seeking to remove the reference to the illustrative street scene from the list of conditioned plans. The application was reported to the Plans Sub-Committee meeting held on the 31st August 2017 on List 3 with a recommendation that the application be approved. It was determined however that the application should be refused on the ground:

"The inclusion of Condition 4 on appeal ref APP/G5180/W/16/3149502 was considered reasonable and necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents. Accordingly, the variation of the condition would be contrary to Policy BE1 of the Unitary Development Plan."

In response to this decision, this application currently under consideration and held in abeyance since the deferral of its determination on 9th May 2017, was amended by details submitted on 18th September 2017. The cover letter for the amended submission states that the applicant "is left with little option but to revert back to submitting plans and elevations for the 3 houses consistent with the indicative elevations provided at outline stage."

It was noted however that while the proposed elevations matched (in terms of the front elevations - since the indicative street scene provided these alone under 15/04458/OUT) the roof massing did not tally with the roof design shown in the site layout drawings and that the revised submission would not therefore now be in accordance with other plans referred to in condition 4 of the appeal Inspector's decision. The applicant was invited to consider this issue and in response submitted amended information/plans on 13/10/17. In this submission the roof design tallies with that conditioned by the Inspector. It has come to light that the sketch street scene provided in the original application (allowed on appeal) did not itself tally precisely with the site layout in terms of the roof proportions/gables. As such it is not feasible or practicable for the development to accord with all the combined drawings conditioned by the Inspector since they themselves did not tally with each other.

The applicant has requested that the application be considered in its current form as amended by the documents received on 13th October 2017, stating inter alia:

- The elevations as noted in the appeal condition are only "indicative" and the basis of this indicative elevation has been used to produce the reserved matters scheme
- The style of the dwellings match and the bulk, massing and height are also almost identical
- The indicative street elevation was hand drawn and would therefore be difficult to match completely
- The scheme respects the character and style of the approved outline scheme, and the appearance of the development was indeed a reserved matter for later consideration.

The applicant has also submitted a response to objections which is available on file but provides background information relating to the timing and scope of the Arboricultural report and the proposed planting.

With regards to the other reasons for deferral of the application from the 9th May committee meeting, the points are referred to below:

#### Reduction in size of windows

As noted above the application as amended now proposes elevations with detailing and design substantially similar to the design and appearance of the indicative street scene elevation provided in respect of application 15/04458/OUT.

#### Consideration of mature tree planting

The applicants have supplied on the 18th September 2017 a revised Arboricultural Impact Appraisal and a revised Tree Protection Plan. This information along with a statement from

the applicant's consultant, is intended to address the potential that more mature planting be considered. The applicant's Arboricultural consultant has stated:

"We have currently specified nine trees along the northern boundary. The size we have specified is 10-12cm. This does not refer to their height... this is a standard notation for tree nursery stock and refers to their girth (trunk circumference) at 1m. The specified trees are select standards. These trees are 3-3.5m in height. If we were to up the spec to 12-14cm, these would be heavy standards. These trees are 3.5-4m in height. I do not recommend that we include more trees, as with the crown spreads of the retained trees, there will not be sufficient space for them to develop or even establish."

#### Acoustic fencing

The acoustic fencing has been extended from the first point at the rear boundary of No. 217 Kings Hall Road to a point aligning with the front elevation of the garage at Plot 3.

#### Position of gates

The access gates provided would be sited level with the rear of Nos. 215 and 217 Kings Hall Road. The applicant has stated that it would not be possible to move the gates to a more forward position, aligning with the front of those properties, as this would interfere with the free flow of traffic on Kings Hall Road and also with the private driveway/turning facility for No. 215.

The previous committee report is repeated below, suitably amended to reflect the revised submission, comments from neighbouring residents received in the interim and responses to technical consultations where fresh information has been submitted.

This application seeks approval for the reserved matters - scale, appearance and landscaping. It is proposed to provide three detached dwellings which would be sited in positions commensurate with the outline approval of layout, accessed via a roadway leading between No. 215 and 217 Kings Hall Road.

The access road runs parallel to and approx. 3.5m from the flank boundary with No. 217 for a length of approx. 60m before the roadway curves to lead to the formed cul-de-sac of three dwellings known as Plot 1, Plot 2 and Plot 3.

The flank elevation of the dwelling at Plot 1 (annotated as Plot 3 in the successful appeal scheme) is located 3m from the eastern boundary of the site with the rear gardens of Nos. 211 and 213 Kings Hall Road. The 5 bedroom property includes an attached garage set beneath a pitched roof with central apex. The dwelling would be 10m high to the apex of the pitched roof, with an eaves height of 5.5m. The dwelling incorporates a central front bay with gable roof. The front elevation incorporates a single storey element set beneath a pitched roof. Two parking spaces are shown to be provided between the western flank elevation of the dwelling and front elevation of the single storey garage.

To the west of Plot 1 is Plot 2 which would comprises a 5 bedroom dwelling. This dwelling incorporates a front gable feature and an attached double garage. The main dwelling would be approx. 9.8m high to the roof apex and 5.6m high to eaves level. Two car parking spaces are shown to be provided in front of the double garage, adjacent to the eastern flank elevation of the dwelling.

The dwelling at Plot 3 lies to the north-west of Plot 2 and is set at a right angle to the Plot 2 dwelling to face east along the access road and to the boundary of the site with the rear gardens of dwellings fronting Kings Hall Road. The main bulk of the 5 bedroom dwelling is

separated from the boundary with the rear gardens of dwellings fronting Lennard Road by the attached double, in addition to side space. The main dwelling would be 9.85m high to the top of the crown roof and 5.5m high to eaves height.

In terms of the landscaping details provided, the tarmac access road would lead to 2 parking spaces associated with No. 215 Kings Hall Road before running parallel to the boundary with No. 217 and the rear boundary of 189 and 191 Lennard Road before curving into the site to provide access to the three residential plots. Areas of shrub planting would be provided adjacent to the access road and driveways and between the road and the northern boundary, along with tree planting along the northern landscaping strip between the application site and the dwellings fronting Lennard Road and hedge planting along the rear boundary with No. 215 Kings Hall Road and part of the rear boundary of No. 213. Additional birch trees would be planted along the boundary between Plot 1 and the rear gardens of Nos. 207 and 209 Kings Hall Road. Patio paving was shown to be provided on the submitted landscape plan (LP 05 - 26/5/17).

The existing woodland area to the western boundary of the site would be retained and the existing woodland tree screen to the southern boundary would also be retained.

### Location

The application site is a large parcel of residential garden land to the rear of No's 207-215 Kings Hall Road, currently serving No.213. The site adjoins residential gardens to the north and east belonging to properties in Lennard Road and Kings Hall Road respectively with the area being predominantly residential in nature, although the ground floor of No. 213 is currently used as offices. The site has no designation in the adopted UDP but it is bounded by Metropolitan Open Land (MOL) to the south and Pool River to the west.

The site falls within Flood Zone 2 and the far western edge is covered by a Tree Preservation Order (TPO).

The site does not lie in a designated Conservation Area.

### **Consultations**

Comments from local residents to previous submission (deferred at PSC):

- The houses proposed would have flattened apex roofs whereas the indicative drawings considered by the Inspector had fully pointed apex roofs. The planning Inspector referred to plan C401B which was a site layout drawing which included within it the siting of the proposed houses which were shown on the plan to include fully pitched roofs. The proposed dwellings would appear three storey in height. The Inspector imposed conditions which would show no flattened roof design and only two storey buildings with single garages
- Concern is expressed regarding the strip of land to be retained behind 211 - 215 Kings Hall Road and it is requested at assurance be provided that the site layout will be maintained in the future, with covenant being a suggested means of achieving this outcome
- The proposed dwellings would not look similar to the surrounding area and the materials do not complement the existing residential development on Kings Hall Road.
- The garage heights have increased
- The manoeuvring of the refuse truck appears tight and to encroach on the landscaping
- Concern regarding the position of the car parking in front of the garages

- The footprints of the buildings are not what was approved and the development would appear intrusive and ugly
- The plot numbering has been reversed in an attempt to confuse
- The appearance of the proposed dwellings is quite different to that which was indicated in the appeal
- The windows in the proposed dwellings would be too large and would appear intrusive to properties in Lennard Road
- The planting adjacent to 181 Lennard Road would not effectively screen the development
- The gates to the development should be moved level with the frontage of 215 Kings Hall Road for security reasons
- Potential for noise and disturbance and it is therefore essential that the acoustic fence be provided to protect the boundaries with all neighbouring properties in Lennard Road
- The proposed landscaping would afford views from plot 3 towards the rear of Lennard Road
- The dwelling at Plot 3 would butt up against the garden fences of dwellings fronting Lennard Road. There should be frosted glass in the first floor windows looking over the Lennard Road gardens and a prohibition of third floor development in line with the Inspector's requirements
- The roadway and landscaping alignment to the north side of Plot 1 differs from that in the approved plans and Plot 2 appears to extend south of the approved plan position
- Tree Preservation Orders should be made on the trees identified on the landscaping plans approved by the Inspector and a condition should be imposed to prevent the subdivision of the residential sites

Comments from local residents in relation to amended docs received 18/9/17 (trees and landscaping details) and 13/10/17 (elevations etc.):

- Concern that the Arboricultural Impact Appraisal and Method Statement (15/9/17) continues to make recommendation that 17 trees need to be removed and 40 protected in view of the length of time between the original site visit in March 2014 and the further site visit of 14th September 2017 - surprising that there are no significant changes identified by the consultant following this passage of time
- The visit by the consultant was presumably made without the revised site layout drawing
- The tree protection schedule is limited to T1-T32 and doesn't include reference to the remaining trees in the statement
- The trees to be planted would be relatively young, with slender trunks and will take a substantial time for them to establish so as to provide adequate screening. They are also deciduous and will not provide screening in winter months
- The screening between the flank wall of the garage to plot 3 and the rear fences of 177/179 and 181 Lennard Road would remain inadequate
- The retention of the existing woodland area to the rear of Plot 3 would result in the rear of that property being very dark and there being pressure to remove this planting. Safeguards should be put in place to prevent this
- It is unclear why the acoustic fence terminates where it does rather than extending further to protect the remaining properties in Lennard Road
- The acoustic fence should be at least 2m tall and should be subject to a covenant or other long-term provision to secure its retention
- Buildings should be red brick in keeping with the area
- Drawings do not precisely tally with those referred to by the Inspector
- query as to whether a TPO covers part of the land

- The gates should be sited to be parallel with the front of No. 215 Kings Hall Road for security reasons
- Applicants placed plant and equipment onto the site before matters of scale and appearance had been settled
- The houses are too big, are out of keeping with the local area and should be scaled down
- There is nothing to protect the retained trees after the development has finished
- There should be opaque windows on upper floors where neighbouring gardens are overlooked
- Future conditions should be carefully worded so as to ensure compliance
- A condition should be imposed removing permitted development rights, in particular with regards to development in the roof
- The overall height to the ridge level is close to the 10m height stipulated by the Inspector and this is compounded by the design adopted for the chimneys, which should be reduced in height as they do not reflect the chimneys in Kings Hall Road
- The "Kings Hall Road" style is limited to the front elevations of each property with the possible exception of the side elevations of Plot 1 and the frontage design is therefore simply cosmetic
- Comments should be sought from the council's tree officer regarding the information providing regarding the planting and impact on existing trees
- Evergreen trees should be utilised

#### Technical Comments

**Highways:** Revised plans were submitted prior to consideration of the application at the Plans Sub-Committee meeting on 9th May 2017 which showed a Swept Path Analysis for a refuse vehicle manoeuvre within the site and repositioning the access gates closer to the front access point. The siting of the access gates was considered acceptable from a technical highways perspective, with the previous siting having been commented on negatively, with the comment that if gates are desired they should be sited closer to Kings Hall Road but set back so as to enable a vehicle to stand clear of the highway in the interest of road safety and the free flow of traffic and to prevent obstruction to the access to No. 215. A guideline distance of 15-20m was recommended in contrast with the original submission gate position which broadly aligned with the rear boundary of No. 215 with the application site. There were no technical objections to the revised proposals, with the gate position being replicated in the most recent plans.

**Trees and Landscaping:** The content of the revised arboricultural documents has been reviewed and the tree constraints assessed. Pressure has been put on the retained trees immediately behind the proposed dwellings, but the Tree Protection Plan (TPP) and mitigation methods detailed within the method statement had addressed the impact to a reasonable degree. The submissions are considered adequate and it is considered that the landscape plan is satisfactory. No objections are raised.

**Environmental Health:** From a technical environmental health perspective no objections were raised to the original submission, with the applicant being advised to have regard to the Housing Act 1985's statutory space standards, contained within Part X of the Act and the Housing Act 2004's housing standards, contained within the Housing Health and Safety Rating System under Part 1 of the Act.

#### **Planning Considerations**

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

BE1 Design of New Development

BE7 Railings, Boundary Walls and Other Means of Enclosure  
H1 Housing Supply  
H7 Housing Density and Design  
H9 Side Space  
NE3 Wildlife Features  
NE7 Development and Trees  
NE8 Conservation and Management of Trees and Woodland  
ER10 Light pollution  
T3 Parking  
T7 Cyclists  
T18 Road Safety

The Council is preparing a Local Plan. A period of consultation on the proposed draft Local Plan (under the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended) ran from November 2016 and closed on December 31st 2016. It is anticipated that the draft Local Plan will be submitted to the Secretary of State in 2017.

Draft Policies of relevance to the application comprise:

Policy 37 General Design of Development  
Policy 1 Housing Supply  
Policy 4 Housing Design  
Policy 8 Side Space  
Policy 70 Wildlife Features  
Policy 73 Development and Trees  
Policy 74 Conservation and Management of Trees and Woodlands  
Policy 30 Parking  
Policy 32 Road Safety  
Policy 122 Light Pollution  
Policy 119 Noise Pollution

The Council's adopted Supplementary Planning Guidance (SPG) documents are also a consideration in the determination of planning applications. These are:

SPG No.1 - General Design Principles  
SPG No.2 - Residential Design Guidance

London Plan (July 2011)

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 self-sufficiency

Policy 5.17 Waste capacity  
Policy 5.18 Construction, excavation and demolition waste  
Policy 5.21 Contaminated land  
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 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

### **Planning History**

14/01561/OUT - Planning permission was refused and a subsequent appeal against the refusal of outline planning permission was dismissed for the introduction of access road and erection of 6 dwellings comprising 3 pairs of semi-detached houses, parking and landscaping.

The ground for refusal was:

"The proposed development by reason of the restricted plot size and amenity space would be an overdevelopment of the site which would not accord with the spatial standards prevailing in the locality, and the proposal would therefore not be sensitive to the character of the surrounding residential area. Traffic accessing the site will harm the amenities of adjoining residential properties by reason of fumes, noise and disturbance. The proposal is therefore contrary to Policies BE1 and H7 of the Unitary Development Plan."

The Inspector commented that in terms of the relationship with the surrounding properties that there would be no significant overshadowing of the adjoining houses and gardens. It was also commented that the outlook of surrounding residents would evidently change from the view over the existing extensive garden area and orchard, but there would be sufficient separation for the proposed houses not to be overbearing in views from the neighbouring dwellings.

In terms of traffic accessing the site it was not considered that there would be likely to be excessive noise and disturbance for existing occupiers. Similarly with regard to drainage with implementation of a suitable SUDS scheme there was no evidence that a satisfactory drainage scheme could not be devised.

15/00357/OUT - Outline planning permission was refused for the construction of 5 dwellinghouses comprising 2 pairs of semi-detached and 1 detached property, access road, parking and associated landscaping. A subsequent appeal against the refusal of planning permission was dismissed.

The reason for refusal of outline planning permission was:

"The proposed development by reason of the restricted plot size and amenity space would be an overdevelopment of the site which would not accord with the spatial standards prevailing in the locality, and the proposal would therefore not be sensitive to the character



of the surrounding residential area. The proposal is therefore contrary to Policies BE1 and H7 of the Unitary Development Plan."

In dismissing the appeal the Inspector concluded that the proposal would appear cramped and out of keeping with the area. The Inspector also commented that at present there are open views above the extension and garage between Nos 215 and 217 Kings Hall Road to mature landscaping within the existing garden area and to the land beyond which contains a number of large mature trees which add to the verdant and open character of the area. The Inspector was not convinced that the indicative landscaping proposal would be capable of screening the proposal to such an extent that the impact on the open character and appearance of the area would be acceptable.

15/04458/OUT - Outline planning permission was refused for the access and layout of a development comprising the introduction of an access road and the erection of three detached dwellings, each with a double garage, parking and associated landscaping. The application was in outline, with details of the scale, appearance and landscaping of the development being reserved matters. Outline permission was refused on the ground:

"The revised proposals constitute an overdevelopment of the site which would have a detrimental impact on the spacious and open character and appearance of the surrounding area, and would therefore be contrary to Policies BE1 and H7 of the Unitary Development Plan."

A subsequent appeal against the Council's refusal of planning permission was allowed. The Inspector considered that the main issue in the case was the effect of the development on the character and appearance of the area. The Inspector considered that the orientation of the dwelling on Plot 1 (which corresponds to the current Plot 3) was such that the garage would be closest to the northern boundary, reducing the height of the development in direct views down the access road. The landscaping in front and behind the dwelling would soften views of the dwelling and allow retained views over and beyond the plot to the area of woodland behind. Landscaping to the southern and eastern site boundaries would also provide landscaped views between existing dwellings and would assist in screening the development from the rear of neighbouring properties. In respect of the concern that the development would result in an overdevelopment of the site, it was considered that the density of development would be appropriate in the location and that the proposal would not form overdevelopment. Having regard to the spacious size of the plots, the footprint of the dwellings and the retention and enhancement of the landscaping, it was not considered that the proposal would be out of keeping with the character and appearance of the area.

The Inspector considered the impact of the proposal on the living conditions of neighbouring dwellings, highways matters, drainage, flood risk, ecology and sustainable design and construction and in all these matters agreed with the Council that there were no concerns in respect of these matters. With regards to the concerns expressed by neighbouring residents regarding impact on visual amenity, security and light and noise pollution the Inspector concluded that there was no evidence to suggest that the proposal would result in security issues or pollution such that would cause material harm to the amenity of nearby residents and that the landscaping proposed would soften the visual impact of the development.

The Inspector allowed the appeal and granted outline planning permission subject to a number of conditions, including Condition 10 which stated that the dwellings should not be more than 10m in height, with this condition considered necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents.

At outline stage the applicant provided indicative elevations although the appearance and scale of development were reserved matter, as was landscaping. The indicative elevations which formed part of the application considered at appeal showed the dwelling at Plot 1 (now Plot 3) having a pitched roof approx. 9.8m high to the ridgeline and 5.6m high to the eaves, with the attached garage 4.8m to the ridge and approx. 2.5m to eaves height.

17/03050/RECON - Following consideration of the inclusion of the indicative sketch street scene elevation in the list of plans referred to under condition 4 of permission 15/04458/OUT (allowed on appeal) the applicant submitted an application under reference 17/03050/RECON, seeking to remove the reference to the illustrative street scene from the list of conditioned plans.

The application was reported to the Plans Sub-Committee meeting held on the 31st August 2017 on List 3 with a recommendation that the application be approved. It was determined however that the application should be refused on the ground:

"The inclusion of Condition 4 on appeal ref APP/G5180/W/16/3149502 was considered reasonable and necessary in order to protect the character and appearance of the surrounding area and the amenity of neighbouring residents. Accordingly, the variation of the condition would be contrary to Policy BE1 of the Unitary Development Plan."

The application was refused by decision notice dated 5th September 2017. An appeal has not, to date, been lodged in respect of this refusal. The time limit for the submission on an appeal against the refusal of permission is 6 months from the date of the decision.

## **Conclusions**

The principle of the redevelopment of this site for three detached dwellings with double garages has already been established through the granting of the outline permission on appeal through reference: APP/G5180/W/16/3149502 (Council ref:15/05584/OUT). Access and layout were also approved under the outline permission. The applicant now seeks approval for the following reserved matters: appearance, landscaping and scale.

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 surrounding residential properties.

## **Design, appearance and scale**

The current scheme has reverted to the more traditional design detailing of the sketch street scene drawing 13121/C402C referred to in condition 4 of the outline planning permission. Members are advised that in that outline application consideration of the design and appearance of the dwellings was a reserved matter and this is illustrated by the submission within that application of a street scene and no other elevational drawings i.e. flank and rear elevations.

The appearance of the dwellings would be substantially similar to the scheme considered under 15/04458/OUT, with particular reference to the general appearance of the individual houses and the roof design which now includes apex roofs rather than the 'flattened' crown roof design originally proposed in the scheme deferred from Committee. Members will recall that as originally proposed under this current planning details pursuant application the design and appearance of the dwellings was more contemporary than the indicative front elevations considered by the appeal Inspector, and that the dwellings included crown roofs.

The height of the dwellings complies with condition 10 regarding the maximum height of the dwellings, with the apex and eaves levels being commensurate with those indicated in the proposed sketch elevations used as an illustrative reference by the planning Inspector in allowing the appeal.

The proposed front elevations shown in the submitted street elevation are substantially similar to those shown in the appeal application, with particular reference to the window proportions and positions. It is acknowledged that the relationship between the gable ridgelines and the main roof apexes do not tally precisely with the proposed sketch elevations drawing (13121/C402C). Members are advised however that these sketch elevations do not themselves tally with the roof design shown on the coloured site layout drawing (13121/C401B) also referenced by the Inspector in condition 4 of permission 15/04458/OUT. As such, the Inspectors condition included a list of plans which were not capable of precise and exact compliance in view of their disagreement with each other.

The appearance of the dwellings, in terms of design and materials, is considered to follow the spirit of the sketch elevation while tallying precisely with the site layout. The fundamental decision in the determination of the appeal was to grant outline permission. It is considered that the refusal of detailed planning permission on the basis of the slight variation in the street scene elevation, which the Inspector noted was submitted for illustration, could amount to unreasonable behaviour on the part of the Local Planning Authority.

If the details of the appearance/scale of the dwellings are approved it may be appropriate in view of the proportions of the buildings and in the interest of visual and residential amenity to impose a condition restricting the permitted development rights associated with development in the roof to afford the Council the opportunity to consider the merits of such development should it be proposed in the future.

It is noted that concern has been expressed regarding the proportions of the chimneys and the side and rear elevations lacking the traditional detailing of the front elevations. It is not considered on balance that this would represent grounds for refusal, taking into account the siting of the development in a formed estate setting rather than within an established street scene and the physical distance and contextual separation between the dwellings and adjacent houses.

#### Impact on Neighbouring Amenity

In terms of impact on neighbouring amenity, representations have been received from neighbouring residents. When allowing the appeal the Inspector stated that she was satisfied that the proposal would not be detrimental to the residential amenities of the locality.

It is not considered that the alterations to the scheme proposed as part of this detailed application materially alter the comments of the Inspector as the dwellings are located in a position replicating that considered by the Inspector, adequate separation is retained to the boundaries of the site and the landscaping proposed will soften the visual impact of the development.

The flank elevations of the proposed dwellings would incorporate first floor windows which are annotated on the submitted drawings to be obscure glazed. It is appropriate in the interest of the residential amenities of both existing and prospective residents to impose a condition to ensure that these windows would be obscure glazed in accordance with the submitted details.

On balance and in light of the Inspectors comments, the proposed dwellings are not considered to impact upon neighbouring residential amenity to a detrimental degree.

### Layout

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).

With regard to the above it appears that the size of the dwellings would exceed the minimum standards. The internal layout of the proposed dwellings and the size and orientation of the rear gardens/patios would provide a good standard of amenity for prospective occupants

### Landscaping

Concerns have been expressed by neighbouring residents regarding the retained strip of land behind 211 - 215 Kings Hall Road and its future retention, the limitations of the landscaping in terms of the screening of views to Lennard Road and the retention of protected trees. With regards to the planting plan, it has been noted that the schedule refers to the planting of container grown trees and that these could take a considerable time to establish. It is also of concern to residents that the proposed planting would be generally deciduous. These concerns are acknowledged. However no objections have been raised to the proposals by the Council's Trees Officer.

It is considered that the landscaping proposed would be acceptable. The gardens at the rear of the dwellings fronting Kings Hall Road are generally in excess of 40m deep and the existing/proposed landscaping and planting would in conjunction with the separation between existing and proposed dwellings be satisfactory.

With regards to the hard landscaping proposed upon the site, the tarmac access road and manoeuvring space would be of a width and extent that allows the provision of soft landscaping around the road to enhance the appearance of the development. Paving at the rear/side of the proposed dwellings would not be disproportionate in relation to the overall extent of the gardens provided around the houses and it is considered that the landscaping proposed would provide a satisfactory level of amenity for prospective occupants as well as presenting a suitable balance between hard and soft surfaces as perceived from outside the application site.

Conditions relating to the health and long term retention of trees during and after construction were imposed by the Inspector and would fall to be complied with prior to the commencement of development. This includes condition 7 which stipulated that the design of the foundations of the dwellings should allow the trees within the woodland order (W1) to remain and that the ownership and control of the trees within the woodland order W1 should be placed into a management company to reduce post-development pressure on the trees from the proposed new dwellings. This and other conditions imposed by the Inspector remain applicable and will fall to be complied with in addition to any conditions imposed if this detailed planning application is granted.

Overall the proposed hard and soft landscaping would provide adequate amenity space for occupiers of the development and as well as a suitably attractive setting for the development.

### Highways and Traffic Issues

Whilst access and layout have already been approved as part of the outline Permission it is appropriate to consider any highways impacts arising from the detailed submission.

In this instance there are no changes that would affect the assessment made of highways impact at outline stage. No technical highways objections are raised to the details submitted.

### Other matters

It is noted that concerns have been expressed regarding the siting of the proposed access gates and the impact that these might have in terms of security to the rear of the dwellings fronting Kings Hall Road. In allowing the appeal the Inspector assessed that there was no evidence to suggest that the outline proposal would have an adverse impact on security. Moving the gates closer to the opening onto Kings Hall Road would not comply with the highways recommended distance between the adjacent highway and the gates, intended to enable a vehicle to stand clear of the highway and to prevent obstruction to the access to No. 215

It has also been suggested that the acoustic fencing along the northern boundary of the site be extended for the full length of the boundary with dwellings fronting Lennard Road. The application has been amended to increase the depth of the acoustic fencing in relation to the northern boundary of the site, and that fencing now terminates in a position t broadly aligning with the front elevation of the garage of Plot 3. This is considered to be a reasonable position for the end of the acoustic fencing since the purpose of the fencing would be particularly to soften vehicle noises associated with the access and parking spaces. In drawing this conclusion, regard has been had for the generous length of the adjacent rear gardens and the limited intensity of the use of Plot 3 as a single dwellinghouse with a substantially wide rear garden.

Residents have expressed concern regarding the future protection of trees within the site. It is noted that the western boundary of the site is subject to an area TPO and that condition 7 of the outline permission referred to the woodland order W1, requiring that "The ownership and control of the trees within the woodland order W1 should be placed into a management company to reduce post development pressure on the trees from the proposed new dwellings.

### Summary

The principle of the development, including layout and access has already been deemed acceptable through the granting of the outline permission. The assessment above considers the reserved matters relating to scale, appearance and landscaping and the impacts associated with the development in terms of amenity for future occupiers, the amenity of the occupants of nearby buildings, and trees.

The design and appearance of the proposed dwellings has reverted to the general style shown in the illustrative elevations submitted as part of the application granted outline planning permission under reference 15/04458.

It is considered that the development would not be detrimental to the character and appearance of the area, with the scale and form of the development being appropriate for the location and size of the site and a residential density appropriate for the area. The proposed accommodation would provide a good standard of amenity for future occupiers of the development.

The proposed landscaping has also been considered and would provide an attractive setting for the development as well as softening the appearance of the development and screening views of the site from surrounding curtilages.

Background papers referred to during production of this report comprise all correspondence on the files set out in the Planning History section above, excluding exempt information.

**as amended by documents received on 13.10.2017 05.10.2017 18.09.2017 27.03.2017 15.09.2017 07.03.2017**

**RECOMMENDATION: APPROVAL**

**subject to the following conditions:**

- 1        The development to which this permission relates must be begun not later than the expiration of 2 years, beginning with the date of this decision notice.**

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

- 2        Details and samples of all external materials, including roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features, rainwater goods and paving where appropriate, shall be submitted to and approved in writing by the Local Planning Authority before any above ground works are commenced. The development shall be carried out in accordance with the approved details.**

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

- 3        The development shall be carried out strictly in accordance with the application plans, drawings and documents hereby approved and listed:**

**Tree Protection Plan 14013-BT5  
13121 P504 Proposed Plans (Plot 1)  
13121 P505 Proposed Plans (Plot 2)  
13121 P506 Proposed Plans (Plot 3)  
13121 C501G Coloured Site Layout  
13121 C502G Coloured street elevation  
Arboricultural Impact Appraisal and Method Statement 15/9/17  
Planting Plan PP 01**

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

- 4        Before the development hereby permitted is first occupied the proposed first floor window(s) in the flank elevations 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 interest of the residential amenities of the dwellings and neighbouring properties and to accord with Policies BE1 and H7 of the Unitary Development Plan.

- 5** 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 B or C 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 the interest of the visual residential amenities of the area and the appearance of the host dwellings, to accord with Policies BE1 and H7 of the Unitary Development Plan.

**You are further informed that :**

- 1** You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)
- 2** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: [address.management@bromley.gov.uk](mailto:address.management@bromley.gov.uk) regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at [www.bromley.gov.uk](http://www.bromley.gov.uk)
- 3** 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.
- 4** Any repositioning, alteration and/or adjustment to street furniture or Statutory Undertaker's apparatus considered necessary and practical to help with the modification of the vehicular crossover hereby permitted shall be undertaken at the cost of the applicant.
- 5** You are reminded that the conditions of the outline permission still apply and must be complied with.

