

SECTION '2' – Applications meriting special consideration

Application No : 17/04326/MATAMD

Ward:
Bromley Town

Address : 14 Highland Road Bromley BR1 4AD

OS Grid Ref: E: 539619 N: 169814

Applicant : Mr Raj Kang

Objections : YES

Description of Development:

Minor material amendment under Section 73 of the Town and County Planning Act 1990 to allow a variation of the planning permission 11/01958/EXTEND for extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats to allow alterations to the approved landscaping details, change in fenestration to the windows of the northern flank elevation, creation of additional window at second floor level of the northern flank elevation, relocation of refuse storage area and relocation of the cycle storage area

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 3

Proposal

The application is made under Section 73 of the Town and County Planning Act 1990 for a Minor Material Amendment to allow a variation of the planning permission 11/01958/EXTEND for extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats in order to allow:

- o alterations to the approved landscaping details
- o change in fenestration to the windows of the northern flank elevation
- o creation of additional window at second floor level of the northern flank elevation
- o relocation of refuse storage area and relocation of the cycle storage area

Location

The application site is situated on the west side of Highland Road, which slopes steeply up to the north. Highland Road is a residential street and is fronted by a mix of family houses and low-rise flatted development. The works to convert the building into flats have been undertaken and completed. The application property is Locally Listed and the wider area is covered by a Tree Preservation Order.

Consultations

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

- o Extreme inconvenience, uncertainty and anxiety for leaseholders and/or residents by this situation occasioned by failure to both complete the development by permitted plans or abide by planning conditions imposed.
- o The building is Locally Listed deserving the highest standards, ensuring the development proceeds to the original permission and planning conditions, and not giving retrospective permission simply to regularise an unsatisfactory position, which lets the original development 'off the hook'
- o The windows are not in keeping with the overall style of the building. Permission should not be allowed for the windows as installed and should revert to the original approved specification
- o The new additional windows in the northern flank compromises neighbouring privacy in Highland Court. Council should not be bounced into accepting fait accompli and should insist that the property be return to a condition that reflects the original permission
- o New plans do not include landscaping on the driveway. The original was granted permission on the basis that there was soft landscaping on the drive. The drive looks stark and uninviting, which is not appropriate for an important building. Soft landscaping would benefit the road. Planning permission should not be granted until there is a definite plan to install soft landscaping on the drive.
- o The privacy screening shown on the plans is welcomed by should have been carried out three years ago. Enforcement action should be undertaken to ensure this is carried out.
- o Why hasn't the decision to the 2016 application not been made. Original objections still stand.
- o No consideration to planning law or neighbours. Enforcement team should take the strongest action against this developer.
- o These are not minor amendments as they seriously affect privacy and communal environment.
- o Direct overlooking
- o Allowing this application would set a precedent for future developments.

Drainage - No comments

Highways - Rearrangement of the cycle storage area and repositioning of the bin store/front entrance gates does not disturb the parking layout. No objections are raised.

Planning Considerations

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

London Plan

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential

3.5 Quality and Design of Housing Developments

3.8 Housing Choice

3.9 Mixed and Balanced Communities

5.3 Sustainable Design and Construction

5.12 Flood Risk Management

5.13 Sustainable Drainage

6.9 Cycling

6.13 Parking

7.4 Local Character

7.6 Architecture

7.9 Heritage Assets and archaeology

Unitary Development Plan (2006)

BE1 Design of New Development

BE10 Locally Listed Buildings

H7 Housing Density and Design

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 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.

Policy 30 Parking

Policy 32 Road Safety

Policy 37 General Design of Development

Policy 39 Locally Listed Buildings

Policy 73 Development and Trees

Planning History

08/00467/FULL1 -Single storey side extension, two/three storey side and rear extensions with additional accommodation in roof space and front dormer with roof terraces at rear with access drive and 10 car parking spaces at rear and conversion of building into 1 three bedroom dwelling with parking and garden 7 two bedroom flats and 1 four bedroom flats. Refused 26.03.2008

08/02582/FULL1 - Single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats. Permission 28.10.2008

09/02923/FULL2 - Change of use from dwelling house (Class C3) to education centre (Class D1) with ancillary staff accommodation on second floor with access ramp and railings at rear and elevational alterations. .Refused 18.12.2009

11/01958/EXTEND - Extension of time limit for implementation of permission ref. 08/02582 granted for single storey side and 4 storey rear extension incorporating rear balconies. Provision of accommodation in roof including 3 side dormers. Elevational alterations and detached bin store and front entrance gates with access drive and 9 car parking spaces and detached timber frame bicycle store at rear and conversion of building into 1 three bedroom dwelling with parking and garden and 8 two bedroom flats. Permission 08.08.2011

08/02582/CONDIT - Conditions: 2 (landscaping), 5 (windows), 12 (refuse storage), 13 (Bicycle Parking) and 14 (light the access drive)
Conditions (2), (5) and (12) Approved; Conditions (13) & (14) Refused 04.06.2014.

08/02582/CONDT1 -Details of conditions submitted in relation to planning permission ref. 08/02582/FULL1: Condition 13 (bicycle parking). Approved 24.06.2014

08/02582/CONDT2 - Details of conditions submitted in relation to planning permission ref. 08/02582/FULL1: Condition 14 (Lighting the Access Drive). Approved 07.08.2014

16/03890/MATAMD - Minor Material Amendment to DC/08/02582/FULL1 in order to allow changes to the approved landscaping details, reconfiguration and installation of windows, relocation of refuse storage area and cycle storage area. Pending

Enforcement:14/00149/PLANS - A breach of condition notice was served on the 12th July 2017.

Conclusions

The main issues relating to the application are the impact of the proposed changes on the character and appearance of area and building, together with any impact on neighbouring amenity.

An application for a minor material amendment was submitted under ref: 16/03890/MATAMD in order to regularise changes made to the approved details, which were never properly implemented. However, the plans submitted with respect to that application were inaccurate and despite numerous attempts to negotiate with the named agent in order to provide amended drawings, no response was received. Subsequently a breach of Condition notice was served on the 12th July 2017. The current application has been submitted in response to this breach of condition notice.

The application seeks a Minor Material Amendment for the following changes to the approved scheme:

- o alterations to the approved landscaping details
- o change in fenestration to the windows within the northern flank elevation
- o creation of additional window at second floor level of the northern flank elevation
- o relocation of refuse storage area and relocation of the cycle storage area

Landscaping

The application property is surrounded by trees and shrubs to the rear of the site. These were established and listed as being retained within the original documentation. However, a strip of landscaping was proposed along the northern boundary, running from the access point down to the rear parking area. This element has not been implemented, but landscaping has been provided along the street frontage, with two separate areas of shrub planting. The planting to the front continues to soften the appearance of the building within the streetscene. Furthermore, the trees and shrubs located along the rear periphery of the site provide a green backdrop for the building.

Members may consider that the lack of planting along the northern site boundary has not resulted in significant harm to the character and appearance of the streetscene or setting of the Locally Listed Building.

Fenestration

The approved scheme included seven windows within the north facing flank elevation. The glazing pattern included a sliding sash arrangement. However, the installed windows are of a casement design and one further small window has been installed within the upper floor of the northern gable.

The windows are set half way down the middle of the building, which is back from the road frontage. The window proportions and size of the glazing panels are considered to be sympathetic and in keeping with a number of narrow glazed windows located on the front elevation. They are not overly prominent from the public realm and their casement opening

mechanism is not considered to be unacceptable in this context, particularly given their location.

One additional window has been installed within the top floor on the northern facing gable. This window is smaller than its counterparts, but its location is not overly prominent. This new window serves a kitchen and is obscured glazed. The kitchen sink/counter top is also situated in front of this window, which further mitigates any overlooking. This northern flank faces the side elevation of Highland Court, which includes unobscured windows directly facing the application property. The original scheme did not propose to obscure the lower windows within the northern flank and the buildings are separated by approximately 10.8m. Accordingly, Members may consider that the addition of one obscured non-habitable window in this location is acceptable and has not resulted in a loss of privacy which is materially worse than the approved arrangement.

Concerns have previously been raised regarding the provision of privacy screens to the rear balconies, which were agreed under the original submission, but never installed. The privacy screens have however been outlined within the current proposal and are proposed to be installed.

Refuse and Cycle Storage

The original scheme included the provision of a brick refuse storage chamber to the left of the driveway, which was set slightly forward of the main building. The refuse storage area has now however been erected to the right hand side of the drive, immediately adjacent to the highway. This area has been enclosed with brown timber board cladding. The height of the structure is on the taller side, however its location is considered to be practical. Whilst the property is designated as being Locally Listed, the street in general is not located within a conservation area and comprises a variety of flatted developments, semi-detached and terrace dwellings. The structure, whilst prominent, is not considered to be significantly incongruous or harmful in appearance given its muted colour. Members may therefore consider that the revised location and design of the refuse storage area is on balance acceptable.

The application also seeks to regularise the location of the cycle storage area. This has now been set alongside the shared boundary with Highland Court. This is not too dissimilar to the approved arrangement; however it is orientated closer to Highland Court. This structure has been enclosed with brown timber board cladding, similar to the boundary fencing, but was built without a roof cover. The current application seeks approval for the revised location and also proposes a flat roof, to secure the area. The location to the rear of building was assessed and deemed acceptable under the original application. The revised location is not considered to be significantly different to the approved arrangement, albeit closer to the side boundary. It is not prominent within the public realm and its height within this location is not overly intrusive or dominant. The use of timber board cladding and the provision of flat roof are considered suitable in terms of security. Members may therefore consider the revised details are acceptable and the revised cycle storage location does not result in significant harm to the character and appearance of the area or impact detrimentally on neighbouring residential amenities.

Summary

In summary, Members will have to consider whether the revised landscaping arrangement is acceptable and would not result in harm to the character and appearance of the Locally Listed Building and streetscene in general. They will also have to consider whether the installation of one additional obscured window, and changes to the window design within the side elevation, are acceptable in terms of their design and neighbouring amenity. Finally, Members will have to consider whether the revised location and enclosures for the

cycle and refuse storage areas are acceptable and have not resulted in harm to the appearance of the streetscene.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 17/04326/MATAMD outlined in the Planning History section above, excluding exempt information.

RECOMMENDATION: PERMISSION (MINOR MATERIAL AMENDMENT)

- 1 No additional windows shall at any time be inserted in the elevations of the extension 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 (2006) and in the interest of the amenities of adjacent properties.

- 2 The parking spaces and/or garages and turning space hereby approved 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.

- 3 The arrangements for storage of refuse, including the means of enclosure shown on drawings hereby approved shall be permanently retained.**

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.

- 4 The bicycle parking (including covered storage facilities where appropriate) hereby approved shall be permanently retained thereafter.**

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.13 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 5 The lighting scheme shown on the plans and documents, approved under ref: DC/08/02582/CONDIT2 and dated 7th August 2014 shall be maintained and retained in perpetuity.**

Reason: In order to comply with Policy T3 and Appendix II of the Unitary Development Plan in the interest of visual amenity and the safety of occupiers of and visitors to the development.

- 6 The privacy screens shown on the drawings hereby approved shall be installed within 2 months from the date of this decision and shall be maintain and retained in perpetuity.**

Reason: In accordance with Policy BE1 of the UDP and in the interest of neighbouring residential amenities.