

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

**Application No :** 17/04628/FULL1

**Ward:**  
**Chelsfield And Pratts  
Bottom**

**Address :** Redcot The Hillside Orpington BR6 7SD

**OS Grid Ref:** E: 546541 N: 162782

**Applicant :** Mr Amit Saini

**Objections :** YES

**Description of Development:**

Proposed demolition of existing dwelling and construction of a three storey, five bedroom dwelling with associated landscaping and parking (to be built to the same design as that granted under application ref: 16/05561/FULL6).

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency

**Proposal**

The application follows on from that as approved under reference 16/05561/FULL6, an application for a two storey front extension, part one/two storey side/rear extension, creation of basement to provide habitable accommodation, ground floor balcony/terrace and elevational alterations. Following the grant of permission, the Applicant considers it to be more economical to demolish and rebuild the dwelling to the same design as that as previously approved. Some amendments are proposed to the porch, land levels along the boundary with Coombe Bank and fenestration design.

The dwelling is sited on the south-west side of The Hillside and forms a dormer bungalow. The dwelling has off street parking capabilities to the front and a generous amenity space to the rear. The site slopes downwards from north to south, therefore Redcot is sited at a higher land level than the neighbouring property Coombe Bank.

**Consultations**

Nearby owners/occupiers were notified of the application and the following representations were received:

- The new house will already reduce the light, privacy and aspect through the windows of the master bedroom on the first floor and the living room and bathroom on the ground floor, should the new house be any taller or be set any deeper into

the plot, the effect would be considerable. Providing the height and siting of the new house are unchanged, I have no objections to the planning application.

Highways - In highway terms the proposal is the same as the previous one. There is no change to the access arrangements. There is an integral garage proposed and ample other parking on the frontage. No objections are made subject to conditions.

Drainage - No objections subject to conditions.

Environmental Health - No objections subject to informatives.

### **Planning Considerations**

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

BE1 Design of New Development  
BE7 Railings, Boundary Wall and Other Means of Enclosure  
H1 Housing Supply  
H7 Housing Density and Design  
H9 Side Space  
T1 Transport Demand  
T3 Parking  
T7 Cyclists  
T18 Road Safety  
NE7 Development and Trees  
ER10 Light pollution

SPG1  
SPG2

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.

### **Emerging Local Plan Policies**

Draft Policy 1 - Housing Supply  
Draft Policy 4 - Housing Design  
Draft Policy 8 - Side Space  
Draft Policy 30 - Parking  
Draft Policy 31 - Relieving Congestion  
Draft Policy 32 - Highways Safety  
Draft Policy 37 - General Design of Development  
Draft Policy 73 - Development and Trees  
Draft Policy 113 - Waste Management in new Development  
Draft Policy 116 - Sustainable Urban Drainage Systems (SUDS)  
Draft Policy 119 - Noise Pollution

Draft Policy 120 - Air Quality  
Draft Policy 122 - Light Pollution  
Draft Policy 123 - Sustainable Design and Construction

London Plan Policies:

Policy 3.3 Increasing Housing Supply.  
Policy 3.4 Optimising Housing Potential  
Policy 3.5 Quality and design of housing developments  
Policy 3.8 Housing choice  
Policy 5.1 Climate change mitigation  
Policy 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
Policy 5.9 Overheating and cooling  
Policy 5.10 Urban greening  
Policy 5.11 Green roofs and development site environs  
Policy 5.12 Flood risk management  
Policy 5.13 Sustainable drainage  
Policy 5.14 Water quality and wastewater Infrastructure  
Policy 5.15 Water use and supplies  
Policy 5.16 Waste 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 7.15 Reducing and Managing Noise.  
Policy 8.2 Planning obligations  
Policy 8.3 Community infrastructure levy

London Plan Supplementary Planning Guidance (SPG)

Housing: Supplementary Planning Guidance. (November 2012)

National Planning Policy Framework

## **Planning History**

The planning history of the site is summarised as follows:

16/05561/FULL6 - Planning permission was granted for a two storey front extension, part one/two storey side/rear extension, creation of basement to provide habitable accommodation, ground floor balcony/terrace and elevational alterations

15/03191 - Planning permission was refused for Demolition of existing dwelling and erection of a detached two storey six bedroom dwelling with accommodation in roof space and lower ground level for the following reasons:

1. The proposed dwelling, by reason of its size, overall bulk and design, will be an overdevelopment of the site out of character with surrounding development and detrimental to the visual amenities of the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

2. The proposed dwelling, due to its size and siting, would be overbearing and detrimental to the amenities now enjoyed by the residents of properties surrounding the site, by reason of visual impact, loss of prospect and privacy, contrary to Policies BE1 and H7 of the Unitary Development Plan.

The application was dismissed on appeal ref: APP/G5180/W/15/3138131 with the Inspector making the following comments:

- In this particular section of the road, the broadly comparable heights of the four buildings allow them to step evenly down the hill, reflecting the natural topography of the land. The succession of built forms makes a positive contribution to the character and appearance of the area.

- The substantially increased size of the proposed dwelling, and particularly its height, would not complement the scale of adjacent buildings

- The construction of a substantially taller and wider elevation at Redcot would intrude on the natural line of vision, resulting in a significantly increased sense of enclosure at Rosebar.

- The size and scale of the south-east elevation would have an unacceptably oppressive effect on the occupants of Coombe Bank. This is exacerbated by the differenced in land levels between the properties.

- 14/02804- Planning permission was refused for Demolition of existing dwelling and erection of a detached two storey six bedroom dwelling with accommodation in roofspace for the following reasons:

" 1. The proposed dwelling, by reason of its size, overall bulk and design, will be an overdevelopment of the site out of character with surrounding development and detrimental to the visual amenities of the area, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

2. The proposed dwelling, due to its size and siting, would be overbearing and detrimental to the amenities now enjoyed by the residents of properties surrounding the site, by reason of visual impact, loss of prospect and privacy, contrary to Policies BE1 and H7 of the Unitary Development Plan."

- 03/02102- planning permission granted for a first floor rear extension

- 85/00028- planning permission granted for a single storey side and two storey side extension with dormers

## Conclusions

The main issues to be considered in respect of this application are:

- Design, siting and layout
- Standard of Residential Accommodation
- Highways and Traffic Issues
- Impact on Adjoining Properties

The application site was visited by the case officer and the aims and objectives of the above policies, national and regional planning guidance, all other material planning considerations including any objections, other representations and relevant planning history on the site were taken into account in the assessment of the proposal.

### Design, Siting and Layout.

The main issues in this case are whether this type of development is acceptable in principle in this location, the likely impact of the proposed scheme on the character and appearance of the surrounding area and the impact of the proposal upon the amenities of neighbouring residential properties.

A replacement dwelling is proposed measuring 20.8m in width and a maximum of 14.6m in depth. The property is to be set back 16.4m from the front boundary line and host a rear amenity area in excess of 49m in length. The dwelling is proposed of a matching design to that as granted 16/05561/FULL6 for extensions to the dwelling and will primarily take the form of the extended existing property.

The site has previously been subject to applications for the replacement of the existing dwelling where the principle of the replacement of the property has not been objected to. These applications were previously refused because of the design, scale and massing of the replacement. It is also noted that there is some planning history with regards to replacement dwellings within the Hillside. Due to the property being sited within a residential area where the prominent housing type is large detached properties, it could be considered that the principle of demolishing Redcot and replacing it could be found to be acceptable subject to an assessment of all other matters. Further to this, the principle of a two storey dwelling of a matching height, depth and width has been approved under application ref: 16/05561/FULL6 which Members may consider holds significant weight in the determination of this application.

The new dwelling is of a matching design to that previously approved with minor amendments proposed to the fenestration, land levels and porch, including the in-fill of a previously open entranceway. The previous application, which followed the refusal for the replacement dwelling and dismissed appeal, amended the scheme and involved extensions to the property which were found to be acceptable and which are replicated in design through this replacement dwelling application. The replacement dwelling is of a more traditional form to the front elevation with a larger, three storey modern rear element which was found in the previous application to be more acceptable than the previous refused schemes.

Whilst the application is now for the replacement of the dwelling, the siting and position of the property within the plot is to remain as existing. The replacement dwelling proposes a two storey front projecting gable which extends 6.7m from the ridge which measures the same height as the existing property, 2m further into the front amenity space than the existing front elevation. Given the staggered building line, no objection is made to the principle of the encroachment of the built form into the front amenity area and the gable feature is not considered overly prominent when viewed from the highway given its siting at a commensurate level to the ridge. The in-filling of the open porch is considered acceptable and does not increase the prominence of the gable to an unacceptable degree. The Inspector specifically stated the importance of complementing the scale of the adjacent buildings and respecting the established built form in this part of Hillside with specific regard to the single storey, modest nature of neighbouring properties and it is considered that the new dwelling with ridge to match that which it replaces and a gable feature no higher than the roof line is considered to adhere to this. The proposed integral garage is considered acceptable in that it does not project higher than the ridge line of the garage it replaces and pitches away from the neighbouring property to mitigate any prominence in this regard.

The dwelling is to be sited between 200mm-1.6m from the common side boundary with Rose Bank and between 1-5m from Coombe Bank to the south-east. Policy H9 states that for development of two storeys or more a minimum of 1m space from the side boundary of the site should be retained for the full height and length of the flank wall of the building. The policy in its supporting text states that proposals for the replacement of existing buildings will be considered on their merits. Whilst the development is contrary to Policy H9 the dwelling is located in an identical location to that which it replaces and of a similar appearance and identical height to the existing property along the boundary with Rose Bank where it is sited within 1m of the boundary. Officers consider that the resultant impact from the replacement dwelling would not be materially different from the existing site layout on site and the resultant form of the dwelling when viewed from the highway is not so different from that which is already consented to warrant a refusal of this basis alone. The dwelling is not considered to result in an overdevelopment of the plot nor would it appear cramped or out of character within the wider street scene. As such, Members may consider that the replacement dwelling is acceptable on this basis.

Policy BE1 of the Unitary Development Plan states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. The supplementary text of Policy BE1 states that there is a need to encourage local distinctiveness and 'sense of place', particularly through the use of vernacular materials. Good modern design can be imaginative and innovative, and will be welcomed in appropriate circumstances where it contributes positively to the surrounding environment.

The three storey element to rear of the property extends no further than the existing rear building line of the dwelling. The rear glazed/rendered flat roof includes a balcony at ground floor level which would allow direct access to the rear garden as a result of the changing land levels. Members may consider that whilst

the appearance of the dwelling from the rear is out of character with the modest appearance of the dwelling itself and those which are sited in close proximity to the property, this element of the proposal is confined to the rear of the property and will only be visible from the neighbouring properties where it is not considered to have a harmful impact. The dwelling is set further off the boundary than the previously refused replacement dwellings, reducing its prominence when viewed from Coombe Bank to the South East. Given the hipped roof of the garage, the rear glazed element is considered to fit well with the traditional form of the dwelling and is set down from the ridge therefore is not visible when viewed from the highway. Again, it is reiterated that the dwelling would take the form of the scheme as previously permitted and this arrangement was previously found to be acceptable.

The design of the scheme is considered acceptable in that it retains the traditional form when viewed from the highway commensurate with the Inspectors comments whilst providing an interesting and modern extension to the rear.

### Standard of Residential Accommodation

Policy 3.3 of the London Plan (2011) Quality and Design of Housing Developments 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.

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

The shape, room size and layout of the rooms in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted layout which would limit their use. All habitable rooms would have satisfactory levels of light and are deemed in compliance with Policy 3.3 of the London Plan.

In terms of amenity space the depth of the rear garden is of sufficient depth and proportion to provide a usable space for the purposes of a five bedroom dwelling house.

### Impact on Adjoining Properties

The Inspector stated within his report that the construction of a substantially taller and wider elevation at Redcot would intrude on the natural line of vision from the habitable side dormer window at Rosebar, resulting in a significantly increased sense of enclosure where there is at present an uninterrupted, open outlook from the window across the property to the countryside beyond. The rear three storey element of the dwelling is sited away from the dormer window by 13m and whilst there will be some impact upon outlook, this is not considered to be to such a detrimental degree to warrant a refusal of the application. This was also the inclusion reached in the assessment of the previous application which mirrored this layout. The ridge height and appearance of the dwelling along this elevation also remains as existing, therefore the application is not considered to result in any undue loss of light or oppressiveness.

With regard to the property at Coombe Bank, the dwelling is set in between 1-4.9m from the common side boundary and will project no further to the rear than the existing rear building line. Whilst the scheme would be visible, exacerbated by the changes in land levels, this is not considered harmful and would not appear oppressive to the neighbouring property. There is a considerable amount of glazing proposed along the south eastern elevation facing Coombe Bank, however these are secondary windows to habitable accommodation and could be obscurely glazed to prevent any loss of privacy. With regard to the projecting balcony at first floor level, this will be at a height similar to the existing rear land levels and is not considered to cause any materially increased overlooking than the existing layout. Should permission be forthcoming however, a landscaping plan would be required to be conditioned to mitigate any perceived overlooking of the neighbouring property and to ensure the mature boundary treatment is retained.

Any issues concerning the stability of land will be covered by building control at that stage and is not a material planning consideration.

### Highways

In respect of highways no objections are raised.

### Summary

On balance, Officers consider that the proposed alterations to the original application (16/05561/FULL6), to allow the demolition and reconstruction of the dwelling with minor alterations are considered acceptable. The development is not considered to result in harm to neighbouring residential amenity and would not appear incongruent or out of character within the wider street scene.

## **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 visual and residential amenities of the area.**

- 3 Details of a surface water drainage system (including storage facilities where necessary) shall be submitted to and approved in writing by the Local Planning Authority before any part of the development hereby permitted is commenced and the approved system shall be completed**

before any part of the development hereby permitted is first occupied, and permanently retained thereafter.

**Reason:** To ensure satisfactory means of surface water drainage and to accord with Policy 5.12 of the London Plan

- 4** 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.

- 5** 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.

- 6** 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 order to prevent overdevelopment of the site in future, to protect the amenities of future residents and nearby residents, and to comply with Policy BE1 of the Unitary Development Plan.

- 7** Details and samples 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

- 8** Details of the windows (including rooflights and dormers where appropriate) including their materials, method of opening and drawings showing sections through mullions, transoms and glazing bars and sills, arches, lintels and reveals (including dimension of any recess) at a scale of 1:5 shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The windows shall be installed 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.

**9** No development shall commence on site until adequate steps have been taken in accordance with BS 3998 2010 Trees to safeguard all trees on site against damage prior to or during building works, including the erection of fencing. These fences shall be erected to the extend of the crown spread of the trees, or where circumstances prevent this, to a minimum radius of 2 metres from the trunk of the tree and such protection shall be retained until the development has been completed. No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage to the root structures of the trees. All development work should also be carried out in accordance with the recommendation as laid out within the submitted Tree Survey and method statement.

**Reason:** To ensure that all existing trees to be retained are adequately protected and to comply with Policy NE7 of the Unitary Development Plan.

**10** 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.

**11** Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.

**Reason:** In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

**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 surface water drainage and to accord with Policy 5.12 of the London Plan

- 13 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.

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

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

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

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

You are further informed that :

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

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

- 2 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in

**Part 2, para 7 of the Community Infrastructure Levy Regulations (2010). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website [www.bromley.gov.uk/CIL](http://www.bromley.gov.uk/CIL)**

- 3 Conditions imposed on this planning permission require compliance with Part M4 of the Building Regulations. The developer is required to notify Building Control or their Approved Inspector of the requirements of these conditions prior to the commencement of development**