

SECTION '2' – Applications meriting special consideration

Application No : 17/04458/FULL1

Ward:
Crystal Palace

Address : The Cottage Fountain Court Lawrie Park
Road Sydenham London SE26 6EE

OS Grid Ref: E: 535017 N: 170771

Applicant : Framley Estates Ltd

Objections : YES

Description of Development:

Demolition of garages and partial demolition of The Cottage with internal and external alterations, two three storey, single storey rear and mansard roof extensions and conversion of the resultant building to provide 2 three bedroom dwellings. Erection of 3 detached two three storey three bedroom dwellings including accommodation in the roof space, with associated car and cycle parking, refuse storage provision and amended visibility splays at the access to Lawrie Park Road.

Key designations:

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

Proposal

Planning permission is sought for the demolition of the existing garages and partial demolition of the host dwelling (The Cottage) and the erection of a row of 3 detached two storey dwellings with mansard second floor accommodation. The Cottage would be enlarged and extended significantly with the resultant building subdivided to provide a pair of semi-detached dwellings with roof accommodation.

The proposed new-build dwellings would be arranged with the three detached houses positioned towards the north eastern boundary of the site with the residential development at the rear of 77 Lawrence Road, separated from that boundary by approx. 10m increasing to 12m in the eastern corner of the site. 1.16m side space would be provided to the boundary with the rear amenity space associated with Fountain Court. The south eastern flank elevation of Unit 3 would be sited in close proximity to the boundary of the site with the railway land adjacent.

Between the proposed buildings on the site, the site would be laid to permeable cobblestone paving with contrasting sets demarcating 9 separate car parking spaces. A secure cycle store is proposed to be provided to accommodate 10 bicycles, positioned at the head of the access track. The dwellings would have private rear gardens. The access to the pavement at Lawrie Park Road would

include a proposed speed hump. A signal head would be positioned at the front entrance and to the end of the narrow access way and the road at the latter point would be marked to advise drivers to stop. Embedded sensors would detect exiting vehicles.

Access to the site would be via the narrow access track leading between Fountain Court and No. 79 Lawrie Park Road.

The application was supported by the following documents:

- Design and Access Statement
- Arboricultural Implications Assessment
- Transport Statement
- Ecological Appraisal Report
- Follow up bat surveys
- Planning Statement

The applicant's consultant has provided additional information regarding highways matters including correspondence with Cleansing regarding refuse collection.

Location and Key Constraints

The application site comprises an area of land to the rear of Fountain Court. The site is occupied by a two storey dwelling known as The Cottage, which has been vacant for some years. In addition, blocks of garages are sited around The Cottage although these are in a state of disrepair. To the rear of the site lies the railway embankment.

The area is generally characterised by three/four storey flatted development with rear amenity space and parking.

The site is accessed by the Lawrie Park Road entrance, along a track separating Fountain Court from 79 Lawrie Park Road. The track varies in width along its length, and passes directly adjacent to the flank elevation of Fountain Court. It slopes downwards from the road.

Comments from Local Residents and Groups

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

Objections

- Would be an overdevelopment of the site as the proposal consists of five large residential properties and associated parking spaces for nine vehicles.
- The planning application is more substantial than those previously submitted and the site still does not have adequate entry and egress requirements for vehicular access

- The sole means of access to the proposed development would be via the existing unadopted track which is directly bordered by land not owned by the applicant but be adjacent properties and therefore incapable of being widened.
- The track is only 2.5m wide at its narrowest and is roughly surfaced
- There would be a considerable increase in the traffic up and down the track especially as the Cottage has been unoccupied since 2011
- Any vehicles used during construction would not be able to gain access and would cause congestion and present a danger to pedestrians and other road users on Lawrie Park Road
- Flats in Fountain Court overlook or directly access the track and the noise and disturbance associated with its use would be harmful to residential amenity. There is no pavement separate from the track and the proposal will increase the risk of accidents
- Previous refusals of planning permission have referred to the impact of vehicle movements being of concern, including visitor vehicles and domestic servicing vehicles
- Refuse trucks will not be able to access the proposed development and the storage unit proposed along the track would be unfeasible as well as narrowing the access
- Proposal would be contrary to Policy ER2
- The proposal will worsen littering and fly tipping
- There is insufficient width for emergency vehicles to access and manoeuvre within the site
- The plans do not accurately represent the obstructions to visibility including mature vegetation and trees
- Reference made to traffic survey in relation to 14/03991/FULL1 (The Haven)
- Impact on locally listed building (Lichfield House) - the Cottage was once the coach house for that locally listed building
- Biodiversity survey is inaccurate
- Impact on protected species
- Application does not recognise the easements of Fountain Court residents over the track and the land on which the proposed development is sited, nor the possessory title of part of the site identified for development
- Lawrie Park Road is heavily parked and is a bus route
- Impact from the side road and main area on residential amenity (lighting/noise)
- Overlooking and overshadowing

Neighbouring residents were notified of amendment to the vehicle access arrangements. At the time of the report, representations had been received which are summarised below. Any additional comments will be reported verbally at Committee.

- the access into the track is incompatible with two way traffic. The controls would not remedy the problems with either vehicles existing the track or head-to-head incidents on the main track and danger to residents of Fountain Court using the fire escape and garden.
- Concern regarding future refuse collection arrangements
- residents of Fountain Court may install a tall fence along the boundary line between the track, and therefore the track will be limited at every point to the minimal dimension currently owned by the developer.

- Concern regarding the way the amendments have not been highlighted on the drawing.

Comments from Consultees

Environmental Health Pollution Officer: No objections although informatives are suggested relating to contamination and construction practices.

Drainage Engineer: No objections subject to a condition requiring the prior submission and approval of a surface water drainage scheme, including an assessment of the hydrological and hydrogeological context of the development/SUDS.

Orpington Field Club: The incorporation of a lighting strategy sympathetic to bats is welcomed. There is some concern that replacement planting should include native species of local provenance if possible as recommended in the Biodiversity Survey to replace those lost in development. This is particularly important as the bat survey noted a moderate level of foraging and commuting activity across the site and native plants support more of their invertebrate prey than non-native species.

Apart from when forming maternity roosts in June and July, bats frequently use roosting sites for only 24-48 hours, so although no evidence of roosting bats was seen in the bat survey it is quite possible bats occasionally roost in the proposed site, behind ivy as well as beneath roof tiles and in similar crevices. It is therefore important that demolition and tree felling proceeds with care and if bats are present work must stop and Natural England must be informed. In view of the numbers of bats in this part of Bromley and their use of the site for foraging, it was good to see that the Full Planning Statement, paragraph 4.8.9 states that bat boxes will be added as 'secured by conditions', but it would be preferable to incorporate the more permanent bat bricks in the new builds.

The Biodiversity Survey and Recommendations also found high potential for nesting birds including 4 red-listed species which are also listed as rare and declining in Bromley (see Bromley Biodiversity Plan, Appendix C, Table 5). Birds also nest behind ivy so tree felling and demolition of ivy covered buildings should preferably take place out of the bird nesting season (late February-August). Where this is not possible, an ecologist would need to check the vegetation for active nests and signs of bird breeding activity and if a nest is found, an exclusion zone around the nest would be required and works would have to cease within this buffer area until the young birds have fledged. (See Biodiversity Survey paragraphs 6.19 & 6.20).

Orpington Field Club members therefore ask that permission for this development should be conditional on the following:

- Lighting sympathetic for bats
- The incorporation of bat bricks in the new builds. (For more information re these, where and how to site them see: <http://www.habibat.co.uk/> and http://www.bats.org.uk/pages/construction_industry.html)

- The incorporation of some native planting
- Ivy covered areas including trees should be cleared/felled with due care and attention in case roosting bats are present, using soft felling techniques where appropriate.

Highways: No objection to amended drawing received 10/1/18 and on basis of additional information received 29/1/18.

Waste Services: Confirmed with applicant that there is not an objection relating to Waste Collection as the crew will walk materials out of the site (it is not containerised as all single dwellings proposed).

*NB The applicant's highways consultant has provided a copy of correspondence from waste services in respect of this matter confirming that:

"there is no requirement to house containers in a bin store in the entrance road or anywhere else on the site - as the Waste collection operatives will walk to the edge of the individual properties boundaries (down the access road to the properties themselves) to achieve collection of waste materials; subject to the collection vehicle being able to stop in a safe position on the public highway as to not cause an obstruction to other road users or pedestrians at any time. The householders on site must comply with LBB's requirements for containing waste to enable this methodology."

Trees: There is no protective legislation relating to trees at the site and it is considered that the trees are of a limited public amenity value, being set back from public vantage points. No objections are made, taking into account the similarities between this application and the previous scheme allowed on appeal (with regards to trees impacts). The landscaping arrangement is tight and will result in limited usable amenity space. The supporting documents provide a counter argument to this issue on the basis of the previously permitted scheme. Conditions are suggested if planning permission is granted.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

According to paragraph 216 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

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.

The development plan for Bromley comprises the Bromley UDP (July 2006), the London Plan (March 2016) and the Emerging Local Plan (2016). The NPPF does not change the legal status of the development plan.

London Plan Policies

- 3.3 Increasing housing supply
- 3.5 Quality and Design of Housing Development
- 7.4 Local Character
- 7.6 Architecture

Unitary Development Plan

- BE1 Design of New Development
- H7 Housing Density and Design
- T3 Parking
- T13 Unmade Roads/Unadopted Highways
- T18 Road Safety
- NE7 Development and Trees

Emerging Local Plan

- 1 Housing Supply
- 3 Backland and Garden Development
- 4 Housing Design
- 8 Side Space
- 30 Parking
- 32 Road Safety
- 37 General Design of Development
- 73 Development and Trees

Supplementary Planning Guidance

- SPG1 General Design Principles
- SPG2 Residential Design Guidance
- Housing SPG 2016

Planning History

The relevant planning history relating to the application site is summarised as follows:

11/00926/OUT

Outline planning permission was sought for the demolition of the existing dwelling and erection of a block of 5 three storey houses with associated parking. Permission was refused on the grounds:

- 1. The proposal would result in an unsatisfactory overdevelopment of the site by reason of the number and scale of dwellings and the area of built development and hardsurfaces which would be out of character with neighbouring development and the area in general thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.*
- 2. In the absence of a swept path analysis to demonstrate otherwise the site cannot adequately accommodate service and emergency vehicles along this narrow access road and together with inadequate on - site turning facilities to ensure that vehicles can enter and leave the site in a forward gear would be prejudicial to the free flow of traffic and general conditions of highway safety contrary to Policies T13 and T18 of the Unitary Development Plan.*
- 3. The development would result in an increased use of a sub-standard access road which by reason of its proximity to the adjoining properties of Fountain Court and the general noise and disturbance associated with its use would be harmful to the amenities that those residents may be able to continue to enjoy thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.*

A subsequent appeal against the refusal of planning permission was dismissed. The Inspector noted that much of the appeal site is verdant and peaceful. A terrace of dwellings of the height and length indicated on the drawings would have appeared incongruous and intrusive and it was noted to be likely that the areas of hardsurfacing would be considerably more extensive than at present. The proposal would have been perceived as a cramped and intensive form of development with a hard urban character which would have been at odds with adjacent green spaces and inappropriate in its context. The Inspector concluded that the proposal would have been an overdevelopment of the site as well as detrimental to the residential amenities of existing residents at Fountain Court and compromising highway safety in Lawrie Park Road.

12/02533/OUT

Outline planning permission was refused for the demolition of the host dwelling and garages and the erection of one detached and 2 semi-detached houses with parking. Permission was refused on the grounds:

- 1. The proposal would result in an unsatisfactory overdevelopment of the site by reason of the number and scale of dwellings and the area of built development*

and hardsurfaces which would be out of character with neighbouring development and the area in general thereby contrary to Policies BE1 and H7 of the Unitary Development Plan.

2. In the absence of a swept path analysis to demonstrate otherwise the site cannot adequately accommodate service and emergency vehicles along this narrow access road and together with inadequate on - site turning facilities to ensure that vehicles can enter and leave the site in a forward gear would be prejudicial to the free flow of traffic and general conditions of highway safety contrary to Policies T13 and T18 of the Unitary Development Plan.

3. The development would result in an increased use of a sub-standard access road which by reason of its proximity to the adjoining properties of Fountain Court and the general noise and disturbance associated with its use would be harmful to the amenities that those residents may be able to continue to enjoy thereby contrary to Policies BE1 and H7 of the UDP.

A subsequent appeal against the refusal of planning permission was dismissed. The Inspector noted that there were three main issues - the impact on visual amenity, the impact on residential amenity, and the adequacy of the proposed access arrangements.

With regards to the impact of the proposal on character and appearance, the Inspector noted that the site is visually insulated from its wider surroundings by the road frontage development and the railway land adjacent. It was considered that the proposed housing would be small scale and well related to the adjoining development which at that time was being built. Separation distances and intervening vegetation between the site and Fountain Court were considered to limit the visual impact on residents and upon local character. The Inspector concluded on this matter that leaving aside the access/traffic noise issues, the proposals satisfied the criteria in the UDP to result in an acceptable form of backland development.

With regards to the impact of the proposal on residential amenity, noise and disturbance associated with the access track was considered to be the primary cause for concern. The development proposed a reduced density in comparison with the previous scheme, and the Inspector took into account the potential traffic generated by the development as well as the potential traffic associated with the historical use of the track and the garages. In these circumstances, the Inspector concluded that the noise experienced by residents of Fountain Court would not be significantly different to that to which they were historically accustomed. As such the Inspector considered that the proposals would not have harmed the living conditions of neighbouring residents.

In considering the suitability of the access to serve the dwellings proposed, the Inspector reasoned that it was essential that service and emergency vehicles could achieve entry to the rear of the site to where the houses would be built and for such vehicles to be able to use the track acceptably in view of the length of the track and the absence of alternative facilities at the site's entrance in particular for the storage of refuse. The Inspector noted the dispute regarding ownership

matters, stating that while this was essentially a legal matter, its outcome was significant in the planning context if it would affect the track's ability to acceptably accommodate service and emergency vehicles. It was concluded that insufficient information had been submitted to demonstrate that larger vehicles could turn within the site and that the proposed access would be adequate to safely service the proposed dwellings. It was on this issue that the appeal failed.

14/01366/OUT

Outline planning permission was refused for the demolition of the existing dwelling and garages and erection of 3 three bedroom and 1 four bedroom dwellings with parking. Permission was refused on the grounds:

1. *The proposed access does not provide appropriate means of access for service and emergency vehicles in order to safely and conveniently service the proposed dwellings, contrary to Policies T13 and T18 of the Unitary Development Plan.*

15/02291/FULL1

Planning permission was refused for the demolition of existing dwelling, detached garages and storage building and erection of 2 detached two storey four bedroom dwellings with parking. Permission was refused on the ground:

1. *The proposed access does not provide appropriate means of access to service and emergency vehicles in order to safely and conveniently service the proposed dwellings, contrary to Policies T13 and T18 of the Unitary Development Plan.*

A subsequent appeal against the refusal of planning permission was allowed. The Inspector considered it essential that there be adequate access for emergency vehicles to the proposed dwellings. However, based on the survey submitted with the application, on site measurement of the width of the track, examination of the tracking details for various vehicles and from observation the Inspector was satisfied that service and emergency vehicles could access the proposed dwellings. The tracking details provided were also considered to demonstrate how cars and delivery vehicles could turn within the main part of the site, removing the need of reversing manoeuvres to or from Lawrie Park Road.

It was noted that the Council had expressed concerns regarding the possibility of cars not parking within the proposed spaces and thus causing an obstruction to the manoeuvring of vehicles. The Inspector reasoned however that this was a case where only 2 dwellings were proposed and that the potential for such obstruction was therefore limited and controllable by the future occupiers.

The provision of a temporary storage area for waste bins at the front of the access so as to avoid the need for vehicles to access the main part of the site was considered acceptable and not uncommon in developments which do not directly front a highway.

Notwithstanding the assessment that emergency vehicles could in fact access the site, the Inspector also noted that the applicant intended to install fire suppressant systems.

The Inspector had regard to the potential that the existing track could be used to serve the currently vacant buildings, and judged that when compared to the potential movements associated with these buildings, the traffic generated by the 2 dwellings would not result in a significant or unacceptable increase in the number of movements along the track.

15/04210/FULL1

Planning permission was granted for the demolition of existing residential building and garages; erection of one 5 bedroom family house, car port/cycle store, refuse storage and private gardens.

16/04143/RECON

Permission was refused for the variation of condition 11 of permission 15/02291 (allowed at appeal) to enable amendments to the visibility splays to be provided at the access to Lawrie Park Road. Permission was refused on the ground:

1 The proposal would have a detrimental impact on pedestrian safety and would give rise to potential conflict between pedestrians and vehicles, thereby contrary to Policies T6 and T18 of the Unitary Development Plan.

16/05263/RECON

Approval was granted for the variation of condition 11 of permission 15/02291 allowed at appeal to amend the visibility splays to be provided at the access to Lawrie Park Road (resubmission of 16/04143 with additional road safety measures including speed table and signage).

Planning history adjacent to the site

Permission was allowed at appeal at the neighbouring site of Lawrence Court, 79 Lawrie Park Road for a fourth storey extension comprising 2 two bedroom flats/two storey block at rear comprising 2 two bedroom flats/relocation of refuse store and 17 car parking spaces at front and rear under ref. DC/06/03111/FULL1, with this permission being extended under reference DC/10/1411/EXTEND. This scheme was subsequently amended to provide a pair of semi-detached houses instead of the flats at the rear under planning ref. DC/11/00366.

Considerations

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

- Resubmission
- Principle
- Design

- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- Other (drainage/flooding/noise/pollution)
- CIL
- S106

Resubmission

The application site has a lengthy planning history, summarised in the preceding section. Previous applications were refused for:

11/00926/OUT

5 three storey terraced dwellings (appeal subsequently dismissed on grounds relating to the overdevelopment of the site and the adequacy of the access)

12/02533/OUT

1 detached three bedroom and 2 semi-detached two bedroom dwellings (subsequent appeal dismissed on grounds relating to the adequacy of the access)

14/01366/OUT

3 three bedroom and 1 four bedroom dwellings. Refused planning permission on grounds relating to adequacy of the access.

In terms of extant permissions, planning permission was granted by the Council for the erection of 1 detached dwelling in place of the existing under reference 15/04210 and on appeal for the erection of 2 detached dwellings under reference 15/02291.

This current application differs from previous schemes in the partial retention of the host dwelling, albeit substantially altered and enlarged.

The vehicular access remains as previously proposed. This was considered acceptable under reference 15/04210 for the replacement single dwellinghouse and by the Inspector with regards to reference 15/02291 for the erection of 2 detached dwellings.

Principle

The principle of a residential development at the rear of Fountain Court has been established through the lengthy planning history associated with the site although the more intensive residential development proposed under reference 11/00926/OUT was dismissed at appeal on grounds in part relating to the overdevelopment of the site. It falls to carefully consider the specific detailed

application proposals in the context of the planning history of the site and the specific design and layout of development in this particular development scheme.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that it is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and UDP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The design of the detached dwellings positioned along north-eastern boundary of the site is considered to be unsatisfactory, with the bulk of the mansard roof design in relation to the narrow front elevations resulting in an unduly cramped and vertically emphasised appearance to the dwellings. While the front and rear elevations include design detailing to break up and relieve the visual impact of the buildings, the flank elevation of the dwellings would be unrelieved with the exception of a band detail between ground and first floors.

While outline planning permission was refused for the appearance and scale of the development proposed under reference 14/01366/OUT on grounds relating solely to the vehicular access rather than the layout and appearance of the proposed development, it is notable that the development proposed was appreciably two-storey in height with design detailing on the flank elevations and a more modest scale and appearance. The two dwelling scheme granted planning permission on appeal under reference 15/02291 provided development across the width of the site but with a design which more effectively "broke up" the impression of the bulk of development, including design details such as recessed glazed panelling and application of varied materials. In contrast, the appearance of the dwellings arranged towards the north-eastern boundary would result in a squat appearance, insensitive to the proportions of the site and the relationship between the proposed dwellings within the application site.

It is considered that the proposed layout of the development would be unsatisfactory in terms of the expanse of hardstanding and the resultant lack of space for meaningful landscaping to soften the appearance of the development. This is particularly noticeable in the lack of any landscaping to the side of Unit 4, limited space between the parking spaces and the railway land and between Units 1 and 3 and their side boundaries of the site. The scheme referred to above (14/01366/OUT) provided significantly greater opportunities for soft landscaping to soften the appearance of the development and to provide a suitably verdant site to complement the existing character of the site. Similarly, the scheme allowed at appeal under reference 15/02291 provided opportunities for landscaping to the front with these juxtaposed against a less expansive hardstanding, which along with the irregular front elevations of the dwellings and the two storey appearance combined to break up the visual impact of the development.

It is considered that the scale and siting of the dwellings would appear incongruous and intrusive with the areas of hardsurfacing being more extensive not only than at present but also within the schemes previously proposed for the residential redevelopment of the site. Similarly the scale and bulk of the extensions to the host cottage would result in that building appearing significantly more imposing and visually dominant than the existing dwelling and that previously proposed to be sited in a similar position under reference 14/01366. The vertical emphasis of the development with the flattened mansard style roof and significantly and appreciable accommodation in the roofspace would result in a three storey appearance which would fail to complement the host dwelling, the proportions of the site and the two storey modest development adjacent to the site at the rear of Lawrence Court.

The proposal is unduly reliant upon the vegetation outside of the site, at the back of Fountain Court and relative to the railway line, to provide a suitably landscaped development and as such would be detrimental to the visual amenities of the area. It is acknowledged that the site is somewhat insulated from its wider surroundings by the frontage development and railway line and that the intervening vegetation also screens the site from view to some extent. That there are no objections from the perspective of the Trees Officer is also noted. On balance, however, the overall layout and scale of development proposed would provide a residential backland development which would not be small scale and sensitive to the surrounding residential area.

It is acknowledged that the site lies adjacent to the curtilage of No. 79 which is a locally listed building. Policy BE10 of the UDP relates to locally listed buildings and provides that proposals for the alteration, extension or change of use of locally listed buildings will be permitted so long as they are respectful of the setting, character, appearance and local interest of the building. This application does not relate to alterations or extensions to the locally listed building, being entirely related to development in an adjacent site. In view of the physical separation between No. 79 and the proposed buildings it is not considered that the provisions of Policy BE10 are directly relevant to the consideration of this application.

Standard of residential accommodation

Policy H7 of the UDP sets out the requirements for new residential development to ensure a good standard of amenity. The Mayor's Housing SPG sets out guidance in respect of the standard required for all new residential accommodation to supplement London Plan policies. The standards apply to new build, conversion and change of use proposals. Part 2 of the Housing SPG deals with the quality of residential accommodation setting out standards for dwelling size, room layouts and circulation space, storage facilities, floor to ceiling heights, outlook, daylight and sunlight, external amenity space (including refuse and cycle storage facilities) as well as core and access arrangements to reflect the Governments National Housing Standards.

The London Plan makes clear that ninety percent of new housing should meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings' and ten per cent of new housing should meet Building Regulation requirement M4 (3) 'wheelchair user dwellings', i.e. is designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users. The relevant category of Building Control Compliance should be secured by planning conditions.

Table 3.3 of the London Plan and Standard 4.1.1 of the SPG sets out minimum space standards for new development.

The proposed dwellings would provide internal accommodation which would be sufficiently spacious. Private amenity space is provided to the rear of units 1 - 3 at a depth ranging from approx. 10m to 12.8m and this is considered acceptable to serve the prospective occupants. The amenity space for Unit 4 is less generously proportioned and would side onto the vehicular access track and the space provided for Unit 5 would be significantly smaller, of an unusual shape and shadowed by the vegetation/trees along the boundary with the rear of Fountain Court. The trees and vegetation along the boundary are quite dense, even in winter months, and contributes to safeguarding the amenities of neighbouring residents. However, in view of the shallow depth of the rear garden in particular to Unit 5, the amenity space would be significantly overshadowed/dominated by the tree canopies and would be of limited amenity use for the host three bedroom family dwelling. This contrasts with the scheme allowed on appeal where the gardens to the proposed two dwellings were sited at the rear, at a right angle to the gardens proposed for the semi-detached dwellings in this instance, were longer and would have been of greater utility for prospective occupants.

It is also noted that the flank and front elevations of Unit 4 lie immediately adjacent to the vehicular access way and parking/manoeuvring area associated with the parking spaces for all the units. The front kitchen window looks directly onto the parking area, which also provides the pedestrian access leading to Unit 5 and Units 1-3, and as a consequence has been designed to having high level glazing starting at a point 1.35m above ground level. The relationship between Unit 4 in particular and the side/front hardstanding area is considered unsatisfactory in terms of the potential noise and disturbance and loss of privacy associated with the vehicular and pedestrian traffic going past the dwelling to access four additional residential dwellings. The passage of vehicles and pedestrians accessing a second

dwelling, as per the permitted scheme for 2 dwellings, would have an inherently lesser impact on residential amenity than the movements associated with a development of the number and size of units proposed. It is noted in the planning history that where development was found to be unacceptable on highways grounds alone, the outline application development in each case provided a greater level of seclusion or privacy to the proposed dwellings than would be the case for Unit 4 of the current scheme.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the UDP should be used as a basis for assessment.

Concern has consistently been expressed in this and previous applications regarding the width, gradient and siting of the access, its relationship with potential refuse storage areas and regarding manoeuvring should cars meet along the narrow track. However in the course of this application additional information has been received from a waste services perspective which suggests that the refuse collection from the site would be undertaken from the dwellings, with the refuse vehicle waiting on the adjacent street. In addition, the applicant has incorporated a traffic control system within the proposals such that would address concerns regarding vehicles meeting along the track.

It is noted that concerns have been raised by neighbouring residents regarding the lack of space for fire and emergency vehicles in terms of the width of the access and manoeuvring space within the site. However it is noted that in the previous application under reference 15/02291 the Inspector allowed the scheme which would have resulted in two detached dwellings notwithstanding these concerns. The Inspector stated "based on the survey, the measured width of the track, the tracking details for various vehicles and my observations during the site visit, I am satisfied that service and emergency vehicles could access the proposed dwellings." At para. 11 of the decision notice the Inspector observed "Although emergency vehicles could access the proposed dwellings the appellant's intention to install fire suppressant systems would further address concerns about controlling fires and, as suggested by the appellant, this could be secured by condition."

Taking into account the planning history of the site and that there are no technical highways objections to the proposal it is considered that the refusal of planning permission on highways grounds would not be appropriate.

Neighbouring amenity

Policy BE1 of the UDP seeks to protect existing residential occupiers from inappropriate development. Issues to consider are the impact of a development proposal upon neighbouring properties by way of overshadowing, loss of light, overbearing impact, overlooking, loss of privacy and general noise and disturbance.

In dismissing the appeal under ref. 12/02533, which related to the erection of 3 dwellings (1 detached and 1 pair of semi-detached houses) the Inspector took into account the potential traffic associated with the historical use of the track and garages, concluding that the noise experienced by residents of Fountain Court would not be significantly different to that to which they were historically accustomed. The previous appeal under reference 11/00926 (outline) related to the erection of 5 dwellings in place of the existing house and garages. In dismissing the appeal the Inspector noted: "The access track runs very close to the side of the building, where there are secondary entrances into six of the flats, as well as windows serving kitchens and bathrooms. Although these are not habitable rooms, they would nevertheless be in use for significant periods of time. As the volume of vehicle and pedestrian traffic using this access would be significantly increased as a result of the proposal, this would result in unacceptable levels of noise and disturbance to the occupiers of this part of the building."

The impact of the proposal on the residential amenities of neighbouring properties is quite finely balanced. Where three dwellings with 6 no. car parking spaces were considered unlikely to generate an increase in noise and disturbance associated with comings and goings in comparison with the historic use, the erection of 5 dwellings with 9 car parking spaces in contrast was considered likely to be detrimental to residential amenity. The erection of two detached dwellings as per the scheme allowed on appeal under reference 15/02291 was also considered, taking into account the level of vehicle movements along the track in the context of the potential use of the track to access the garages/dwelling at the rear, to be unlikely to have a significant impact on residential amenity. The current proposal provides the same number of units and the same number of parking spaces as the proposal found to have an unacceptable impact on residential amenity under reference 11/00926. Taking this into account, along with the subsequent planning history reflecting a lesser number of residential units than the application under 11/00926 and this current application, it may therefore be considered that the proposal would be detrimental to the residential amenities of neighbouring residents resulting from the intensity of the use of the access track.

Local residents have expressed concerns regarding the impact of the proposal in terms of overlooking and overshadowing. However, in view of the depth of the gardens at Fountain Court, the siting of the proposed dwellings and the quite dense boundary screening within that site, it is not considered on balance that the proposal would result in significant loss of privacy or overshadowing such that would warrant the refusal of planning permission.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies

advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

Trees

It is considered in the light of the planning history of the site and the extant permission for the erection of 2 detached dwellings necessitating the loss of trees within the site, that the proposal would not have an unacceptable impact on trees.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

It is considered that with regards to the highways impacts of the proposal the scheme would be acceptable, and taking into account the planning history of the site, the principle of residential re-development within the application site has been established. However, the design and scale/intensity of the proposals is considered unsatisfactory, resulting in a cramped development which would be out of character with neighbouring development, detrimental to residential amenity.

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 29.01.2018 10.01.2018

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposal would result in an unsatisfactory cramped development by reason of the number and scale of dwellings, their design and appearance, the proportion of the site covered by buildings and hard surfaces and the lack of adequate space to provide meaningful landscaping to soften the appearance of the development, and would be out of character with the pattern of development in the locality and the area in general, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies**

3, 4 and 37 of the draft Local Plan and Policies 3.5, 7.4 and 7.6 of the London Plan.

- 2 The development would be lacking in amenity for prospective occupants by reason of the layout of the development in relation to Unit 4 and the amenity space associate with Unit 5 and would result in an increased intensity of use of the existing access road which by reason of its proximity to the adjoining properties of Fountain Court and the general noise and disturbance associated with its use would be harmful to the amenities that the residents of those properties might reasonably expect to continue to enjoy, thereby contrary to Policies BE1 and H7 of the Unitary Development Plan, Policies 3, 4 and 37 of the draft Local Plan and Policy 7.6 of the London Plan.**