

**Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS**

**Application No :** 17/03908/FULL1

**Ward:**  
Petts Wood And Knoll

**Address :** 5 Maybury Close Petts Wood Orpington  
BR5 1BL

**OS Grid Ref:** E: 543835 N: 167621

**Applicant :** Mr Atkins

**Objections :** YES

**Description of Development:**

Demolition of existing garage and construction of a one bedroom dwelling with associated hardstanding and new vehicular access at land adjacent to No.5 Maybury Close.

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Smoke Control SCA 8

**Proposal**

Planning permission is sought for the demolition of existing garage and construction of a one bedroom detached dwelling with associated hardstanding and new vehicular access.

The dwelling would be a total depth of 11m and width of 5.2m. The roof will be hipped on each side with a gable ended front and rear elevation. One dormer window is proposed within the southern roofslope and two are proposed within the northern roofslope.

One parking space is proposed on site.

**Location and Key Constraints**

The application site is located to the western edge of Maybury Close. The site relates to a small parcel of land to the north of 5 Maybury close in separate ownership and currently hosts a garage. The property is not located in a conservation area and is not listed.

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

- Maybury close is a short cul de sac with a mix of single and two storey semi detached dwellings. No.5 has an exceptionally wide plot, although narrow in depth. To the north of the site is the vehicle access to the school site to the west of and adjoining Maybury Close. The site is not located in a conservation area but is adjacent to green belt
- Totally inappropriate and unnecessary to build a dwelling on such a small limited space and not in keeping with houses in Maybury close
- Difficult to justify 2 vehicular accesses in the original pot of lane when one was given
- Too close to a roundabout and dangerously close to a school entrance
- The garage stands on a plot approximately 7.4 metres wide x 19 metres long at its maximum which is inadequate for a new house

## Comments from Consultees

Highways: Maybury Drive lies within a CPZ and is subject to part time waiting restrictions together with residents free parking bays in the vicinity of the application site

The PTA: score for the location is 3 (moderate) where car ownership may be associated with occupiers of the property. The Council's parking standard for a 3 PTAL rating is for a maximum of 1.0 spaces . One off street parking space is proposed. No objections subject to conditions

Environmental Health Pollution Officer: No objection

## 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 makers can also give weight to relevant policies in emerging plans according to:

- o The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- o 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
- o 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 subject to an Examination In Public which commenced on 4th December 2017 and the Inspector's report is awaited. 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

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 5.2 Minimising carbon dioxide emissions  
Policy 5.3 Sustainable design and construction  
Policy 5.7 Renewable energy  
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 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, improving and enhancing the acoustic environment and promoting appropriate soundscapes  
Policy 7.19 Biodiversity and Access to Nature  
Policy 7.21 Trees and Woodlands  
Policy 8.3 Community infrastructure levy

Housing: Supplementary Planning Guidance. (2015)

DCLG: Technical Housing Standards (2015)

### Unitary Development Plan

BE1 Design of New Development  
BE7 Railings, Boundary Walls and Other Means of Enclosure  
H1 Housing Supply  
H7 Housing Density and Design  
H9 Side Space  
NE7 Development and Trees  
ER10 Light pollution  
T3 Parking

T7 Cyclists  
T11 New Accesses  
T18 Road Safety

### Emerging Local Plan

Draft Policy 4 Housing Design  
Draft Policy 37 General Design of Development  
Draft Policy 30 Parking

### Supplementary Planning Guidance

List relevant London Plan or Bromley SPGs here

### **Planning History**

Application reference 12/02457, for a two bedroom detached bungalow on the land north of No.5 was refused and dismissed on appeal.

Application reference 13/01122/FUL for a two storey front and side extensions and roof alterations to incorporate front dormer extensions was approved in June 2013.

Application reference 14/00785/FULL for the formation of vehicular access was approved in April 2014.

### **Considerations**

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

- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- CIL

### 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.

Planning permission has previously been refused at the subject site (ref 12/02457) for a detached bungalow and was subsequently dismissed at appeal (ref APP/G5180/A/12/2187192). The appeal inspector commented that

*'...though the bungalow with integral garage would be larger than semi detached bungalows in the street, the extent and bulk of its built form would be similar to that of each of those pairs. Sited some 5m from No.5, the remaining gap would be similar to those between pairs of dwellings opposite. However, No.5 would have only a small rear private amenity space, and the bungalow would have a severely restricted rear space, varying in length between 2.4m as shown on submitted plans and, I estimate around 5m. Garden size standards are not given, and account is taken of the appellant's point that both dwellings may still suit some occupiers in this respect. Even so, the two plot sizes and the proportion of each covered by buildings would be markedly at odds with those of other properties in Maybury Close'.*

He went on further to say that *'Though single storey, in such a prominent position, the building would disrupt the rhythm of the built form and have an incongruous appearance in the street scene. Thereby, the scale and layout of the scheme would fail to respect the quality of its built surroundings, in conflict with related criteria in saved UDP Policies H7 and BE1'.*

This application proposes a two storey property with a gable frontage and dormers on the side elevation. The overall design of the house with the dormers to the side and narrow frontage would be an incongruous form of development that would not relate well to the existing character of the road.

Furthermore the proposed building line would sit forward of the building line on the western side of Maybury Close and its footprint would be cramped within the plot. There would be little room for landscaping to the front of rear, given the level of hardstanding proposed and the amenity area to the rear would be minimal. The plot size would remain at odds with other properties in Maybury Close and this application does not overcome the previous appeal decision.

Overall the proposal is considered to be an overdevelopment of the site that would be detrimental to the character and appearance of the general street scene, by reason of its

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 Government's 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.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (2015).

The internal floor space would be 62.5m<sup>2</sup> which would comply with the London Plan requirement of 58m<sup>2</sup> for a 1 bed 2 person duplex. The proposal would provide adequate sunlight/daylight and outlook for future occupants. However the proposed amenity space to the rear would be narrow which adds to the overdevelopment of the site

### 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 London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The proposal would provide one on site parking space which would comply with local policy. Furthermore no objection is raised from Council highways officers.

### 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.

The proposed house would be located approximately 4.5m from the flank elevation of No.5 Maybury Close. A dormer would face No.5 but this would serve a hallway and could therefore be obscure glazed to avoid overlooking. Given the footprint of the building does not extend deeper than the footprint of No. 5, it is not considered that the proposal house would be detrimental to the amenities of No.5 in terms of loss of daylight/sunlight or outlook.

Two windows serving a bedroom and hallway area are proposed within the dormer on the northern elevation that would face directly towards No.5a and 5B Maybury Close. They would be approximately 27m away from any habitable rooms within the front elevation of these properties and therefore are not considered to be detrimental in terms of loss of privacy.

The proposal is therefore not considered to be detrimental to the amenities of neighbouring properties.

### 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**

Having had regard to the above and in light of the recent appeal decision, it is recommended that the siting, size and design of the proposed house is unacceptable in that it would result in a cramped incongruous form of development that would be detrimental to the character and appearance of the general street scene.

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.

### **RECOMMENDATION: APPLICATION BE REFUSED**

**The reasons for refusal are:**

- 1 The proposed dwelling by reason of its overall size, design and siting would provide a cramped and incongruous form of development, out of character with the locality and thereby detrimental to its visual amenities, appearance and character of the general street scene. This would be contrary to Policies H7, H8 and BE1 of the UDP, Draft Policy 4 Housing Design, Draft Policy 37 General Design of Development of the Emerging Local Plan and Policy 7.4 of the London Plan**