

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

Application No : 18/00501/FULL1

Ward:
Plaistow And Sundridge

Address : Garages Adjacent 19 Howard Road
Bromley

OS Grid Ref: E: 540061 N: 170034

Applicant : Mrs Moyra Ward

Objections : YES

Description of Development:

Demolition of existing garage block and erection of 2 x 1bed apartments with associated parking.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 5

Proposal

The application proposes the demolition of existing garages and the erection of a two storey building comprising two 1 bedroom flats; there are two parking spaces provided. The ground floor flat would benefit from private amenity space to the West of the site and the first floor flat benefits from private amenity space in the form of an inset balcony. The application follows two previous refusals.

The application was supported by the following documents

- Design and Access Statement
- Parking Stress Survey
- Daylight and Sunlight Study

Location and Key Constraints

The application site comprises a block of 6 single-storey garages. The neighbouring buildings to the west, north and east are all residential units. To the rear of the site is an area that is currently undergoing redevelopment with the provision of residential accommodation, most of which are completed.

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

- Loss of light and privacy to properties behind

Comments from Consultees

Drainage Engineer: No objections were raised subject to the imposition of several conditions

Highways: No objections were raised subject to the imposition of several conditions

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:

- 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 5.1 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 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 8.3 Community infrastructure levy

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
ER10 Light pollution
T3 Parking
T7 Cyclists
T18 Road Safety

Emerging Local Plan

Draft Policy 1 Housing Supply
Draft Policy 4 Housing Design
Draft Policy 6 Residential Extensions
Draft Policy 8 Side Space
Draft Policy 30 Parking
Draft Policy 32 Road Safety
Draft Policy 37 General Design of Development
Draft Policy 122 Light Pollution

Supplementary Planning Guidance

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

Planning History

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

- 88/04519/FUL; Storage unit attached to garages; Refused
- 15/05481/FULL1; Demolition of the existing garage block and the erection of 2 No 1 bedroom flats with associated parking; Refused
- 17/00769/FULL1; Demolition of existing garage block and erection of 2 x 1bed apartments with associated parking; Refused and dismissed at appeal

Considerations

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

- Resubmission
- Principle
- Design
- Standard of residential accommodation
- Highways
- Neighbouring amenity
- Sustainability
- CIL

Resubmission

The application seeks to overcome previous refusals, most recently 17/00769/FULL1 which was refused for the following reasons:

1. The proposed development, by reason of its design and form would represent a bulky and incongruous form of development, which relates poorly to appearance of the wider streetscene and pattern of development, harmful to the character and appearance of the streetscene contrary to The National Planning Policy Framework (2012); Policies 7.4 Local Character and 7.6 Architecture of the London Plan (2015); Policies H7 Housing Density and Design and Design of New Development of the Unitary Development Plan (2006) and Supplementary Planning Guidance No 1 General Design Principles.
2. The proposal would, by reason of the lack of secure private external amenity space, would provide substandard accommodation contrary to Policy 3.5 of the London Plan (2015) and Policy H7 Housing Design and Design of the Unitary Development Plan (2006) and The Mayor's Housing Supplementary Planning Guidance (2012).

Following this an appeal was dismissed however the Inspector stated that there was no concern regarding the quality of the external amenity space. The Inspector raised key points such as this land creating a significant opportunity to improve the appearance of the street scene given that the visual quality of the garages was low. The appeal decision also raised points regarding the importance of reflecting

the existing properties in the vicinity in terms of detailing and the importance of the gable frontages.

Principle

Housing is a priority use for all London Boroughs and the Development Plan welcomes the provision of small scale infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

Policy H7 of the UDP sets out criteria to assess whether new housing developments are appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

The site is located within an area that is predominantly residential. In this location the Council will consider residential infill development provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed.

Therefore the provision of the new dwelling units on the land is acceptable in principle subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications.

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.

BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings. This is supported by Policy 7.4 of the London Plan.

The properties along Howard Road have a uniform terrace character, being two-storeys high with a general Victorian vernacular. They include roofs with pitched designs, bay windows and porches. The new design of these properties includes a completely pitched roof, two symmetrical gable frontages, and provides some of the more typically Victorian detailing such as ornate bay windows and front porch detailing; all of these things combined allow the properties to blend better with the street scene.

The large open glazed balcony from the previous scheme under ref: 17/00769/FULL1 has been altered so that there is only a small amount of glazed balustrading to the front, the form and materials of this were also considered harmful by the Inspector and as such this significant change in design would be acceptable.

The proposal would be generally in compliance with the minimum 1 metre side space requirement within Policy H9; the building would have very little spacing to the rear however private amenity space is provided to the Western side of the dwellings.

The changes to the design of the proposed dwellings have been significant; they now better reflect the character of the street scene and would provide more harmony within the street scene. The inspector referred to the development of this site presenting an opportunity to enclose and improve the street scene and it is considered that this more sympathetic approach to the design would do just that and would also help to somewhat screen the large new development to the rear of the site.

It is considered therefore that the new design of the proposed dwellings has addressed the previous reason for refusal and the Inspector's concerns. The development would relate well to the character and appearance of the other dwellings in the area and given the prominence of this site on a bend in the road this would be especially important in compliance with the policies set out above.

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.

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 proposal would provide 2 No 1 bed units, which are required to have a minimum GIA of 50sqm. When scaled from the plans and the ground floor unit has a GIA of 51sqm and the upper flat at having a GIA of 60 sqm. Both are therefore above the minimum requirement set out above. The scheme would provide some private external amenity space and whilst concerns were raised previously about the quality of this amenity space the Inspector considered the amenity space to be adequate.

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 site has a PTAL of 2. The proposal would provide 2 off street parking spaces, one for each of the unit, which accords with the London Plan. However the proposal would see the loss of 6 garages. The applicant states that the existing building on the site is a 'disused garage block' and that there are "permanent metal

signs which state 'no parking'. No one should park on the forecourt because it blocks the garage entrances. No one will be put out in relation to parking as there should be no parking there". However, at the time of the site visit, the forecourts of four of the garages were being used for vehicular parking. Whilst the applicant considers that this forecourt area should not be in use, it is clear that there is some informal parking arrangement in place. There are also parking restrictions on Howard Road and the area appeared to be heavily parked up. A parking stress survey was submitted and highways engineers were satisfied that the required number of parking spaces was to be provided and requested that several conditions be added if permission was granted

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; this is supported by London Plan Policy 7.6.

Given the orientation of the site in relation to the neighbouring properties and distance of the proposal from the common boundary with No 19 and 21 Howard Road it is not considered that the proposal would appear overbearing, visually intrusive or result in a material loss of light.

To the north east is No 46 Howard Road, which would face the application site. However the proposal is set a sufficient distance away to not be considered overbearing.

It should now also be considered that there are properties to the rear of the site. To the rear of the property there are 2 first floor windows proposed, one serves the hall and the other the living area, whilst there is likely to be some degree of overlooking it is considered that this would not be over and above what would be expected in a residential setting such as this and as such this would not be sufficient reason to refuse the application.

It is noted that neighbours to the rear have raised concerns about loss of light however given that these properties are almost directly to the South of the site there would be no overshadowing caused by these new dwellings. This is further evidenced by the Daylight and Sunlight study provided by the applicant which shows minimal changes to sunlight and daylight to these properties at the rear.

There are two sets of doors in one side elevation and no windows in the other side. The doors at first floor would serve the balcony and given the position of the proposed dwellings in relation to the neighbouring property as there is currently a blank wall with no flank windows. There is a level of screening provided in the form of a brick wall to this balcony at the side to further protect the amenity of adjoining properties.

The principal windows would face the front of the site and would not result in significant levels of overlooking or a loss of privacy to neighbouring properties.

For these reasons it is considered that the proposal is acceptable and complies with policy on neighbouring amenity.

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.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application.

Conclusion

The application is a second revision of previous refusals and following a dismissed appeal, the main concerns following the Inspector's decision was the design of the property. It is considered that careful thought has been given to re-design the dwellings to appear harmonious within the street scene and to also give the appearance of two semi-detached properties whilst also providing a adequate living and private amenity space.

It is considered that there would be little impact on neighbouring amenity and that the proposed scheme would infill an existing area which is of poor visual quality, it would provide some screening from the new development to the rear of the property and it is considered would generally improve the visual amenity of the area and help to improve the character and appearance of the street scene.

Accordingly, and taking all of the above into account it is recommended that planning permission be granted in line with the conditions contained within this report.

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: 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: To comply with 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 UDP and in the interests of visual and residential amenity.

- 3 The materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise 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 appearance of the building and the visual amenities of the area.

- 4 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.

- 5 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.

- 6 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 1m in height, and these means of enclosure shall be permanently retained as such**

Reason: In order to comply with Policy T18 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 7 The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 8 Before any part of the development hereby permitted is first occupied, bicycle parking (including covered storage facilities where appropriate) shall be provided at the site in accordance with details set out on drawing No. 2015-568-1-10 Rev B, and the bicycle parking/storage facilities shall be permanently retained thereafter.**

Reason: In order to comply with Policy T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.

- 9 The existing access shall be stopped up at the back edge of the highway before any part of the development hereby permitted is first occupied in accordance with details of an enclosure to be submitted to and approved in writing by the Local Planning Authority. The approved enclosure shall be permanently retained as such.**

Reason: In order to comply with Policy T11 of the Unitary Development Plan and in the interest of pedestrian and vehicular safety.

- 10 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.

- 11 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 implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 12 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 5.13 of the London Plan.

- 13 No development shall take place until details of drainage works have been submitted to and approved in writing by the Local Planning Authority, and drainage works shall be carried out in accordance with the approved details prior to first use of any dwelling. Prior to the submission of those details, an assessment shall be carried out into the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles of sustainable drainage systems set out in Annex F of PPS25, and the results of the assessment provided to the Local Planning Authority. Where a sustainable drainage system scheme (SuDS) is to be implemented, the submitted details shall:**

i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and / or surface waters;

ii) specify the responsibilities of each party for the implementation of the SuDS scheme, together with a timetable for that implementation; and

iii) provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be implemented, maintained and managed in accordance with the approved details

Reason: To ensure satisfactory implementation of the sustainable drainage proposals and to accord with London Plan policy 5.13

- 14 Before the development hereby permitted is first occupied the proposed window in the south east 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

You are further informed that :

- 1** You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 2** Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant
- 3** You should consult the Street Naming and Numbering Section at the Civic Centre on 020 8313 4742 or e-mail: address.management@bromley.gov.uk regarding Street Naming and Numbering. Fees and application forms are available on the Council's website at www.bromley.gov.uk
- 4** 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