

SECTION '2' – Applications meriting special consideration

Application No : 18/01012/FULL1

Ward:
Copers Cope

Address : 9 St Clare Court Foxgrove Avenue
Beckenham BR3 5BG

OS Grid Ref: E: 537994 N: 170143

Applicant : Mr D Sencupta

Objections : YES

Description of Development:

Conversion of basement storage into 1 studio flat.

Key designations:

Area of Special Residential Character
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 12

Proposal

Planning permission is sought for conversion of the existing basement storage into a studio flat.

The application is a resubmission of a similar application refused planning permission on 12.05.2017.

The application is accompanied by a Design & Access statement.

Location and Key Constraints

The application site 9 & 10 Foxgrove Avenue is a detached building comprising two separate flats situated on the eastern side of Foxgrove Avenue, Beckenham. Access to the rear of the site is achieved via a sideway which slopes downwards between the application site and No.5-8 St Clare Court. To the rear of the site lies communal gardens.

Foxgrove Avenue is situated in a predominately residential area, with a mix of detached dwellinghouses and purpose built blocks of flats. Foxgrove Avenue is also designated as an Area of Special Residential Character (ASRC).

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

- The proposal represents a subterranean development which would put the foundations of the existing building into jeopardy.
- The internal height of the current space is 1.5m, therefore the proposed trifold and bifold windows will not open out onto the garden as the current garden is above the bottom half of the proposed windows-doors. A large area of the garden would need to be excavate a large area of the garden to accommodate the proposal.
- There is no disabled access
- The proposed access is at the bottom of a steep slope
- The proposed two side windows are sited within the floor space of the flat above.
- The reality is that the windows will be directly opposite the bedroom of Flat 8a, with the inherent loss of privacy and potential for light pollution.
- Deep excavation is impossible whilst No.8a is occupied. No information has been supplied regards the removal of spoil from an area that has no access for heavy machinery or vehicles due to its location down a steep narrow slope.
- There is no details about waste, recycling or storage.
- The proposed flat will suffer from damp
- The excavation of the basement will lead to noise and disruption and damage to No.9-10 St Clare Court
- In order to achieve the required head height of 2.5m the applicant would need to dig down at least 1m from the existing ground level.
- From the north elevation drawing, the proposed windows on the north side are indicated to be 1.7m above the proposed ground floor level. Considering the 1m excavation they are actually just 0.7m above the existing ground level.
- We live in Flat 8a and the applicant is the same who built our flat which has serious damp problems.
- The side windows would be directly opposite our bedroom, which will result in a loss of privacy and noise
- The new entrance to the rear will mean the occupants will have to walk past our bedroom window to get to their property.
- Last time the developer did the other flats the residents didn't have any garden for 2yrs because of the state it was in.

Full copies of all the objection letters submitted can be found on the application file.

Comments from Consultees

Environmental Health (Pollution) - no objection

Highways - the site is located in an area with a PTAL rating of 1a (on a scale of 0-6b, where 6b is the most accessible).

The development is a studio flat. As there is a correlation of car ownership and type of dwelling people reside, this suggests that not all occupiers will own car(s).

Furthermore I am of the opinion that the development would not have a significant impact on the parking in the surrounding road network. Therefore I raise no objection to the proposal.

The applicant should provide 1 cycle parking spaces within the site's curtilage for the occupiers of the development. Please include the following with any permission: condition H22 (cycle parking).

Drainage - no comment

Thames Water - no comments received

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

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.

The application falls to be determined in accordance with the following policies:

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 8.3 Community Infrastructure Levy

The Mayor's Housing Supplementary Planning Guidance

National Housing Standards

The National Planning Policy Framework, with which the above policies are considered to be in accordance.

Unitary Development Plan

- BE1 Design of New Development
- H1 Housing Supply
- H7 Housing Density and Design
- H8 Residential Extensions
- H10 Area of Special Residential Character
- T3 Parking
- T18 Road Safety

Draft Local Plan

- | | |
|-----------------|--|
| Draft Policy 1 | Housing Supply |
| Draft Policy 4 | Housing Design |
| Draft Policy 6 | Residential Extensions |
| Draft Policy 30 | Parking |
| Draft Policy 37 | General Design of Development |
| Draft Policy 44 | Areas of Special Residential Character |

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance

Planning History

Planning application ref: - 17/00758 was dismissed at appeal.

Under planning application ref: - 17/00758/FULL1 planning permission was refused for conversion of basement storage into a 1 bedroom flat (resubmission of planning application ref: 16/03932/FULL1). The application was refused for the following reason:

1. The proposed windows on the flank elevation do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan.
2. The proposed basement conversion would not comply with the required head heights contrary to Policy 3.5 of the London Plan.
3. The proposed windows on the flank elevation would lead to a loss of privacy and mutual overlooking of Flat 8a of 5-8 St Clare Court contrary to Policy BE1 of the Unitary Development Plan.

Under planning application ref: 16/03932 planning permission was refused for conversion of basement storage into no.1 bedroom flat. The reason for refusal read as follows:

1. The proposed windows within the living room do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to policy BE1 of the Unitary Development Plan.
2. The proposed basement conversion would not comply with the required head heights contrary to Policy 3.5 of the London Plan.

Under planning application ref: 15/01235 planning permission was refused for conversion of basement storage area into self-contained flat. The reasons for refusal read as follows:-

1. The proposed windows within the bedrooms of the proposed basement flat do not provide a reasonable view or outlook and the kitchen and bathroom do not provide adequate means of natural light or ventilation which would be harmful to the amenities of the user of the habitable room contrary to Policies BE1 and H11 of the Unitary Development Plan and the Mayors Housing SPG.
2. The proposal would lack adequate on-site car parking resulting in increased stress on existing on-street parking in the area and leading to concerns regarding highway safety, Furthermore the applicant has failed to demonstrate that adequate cycle parking could be accommodated on the site. Consequently the proposal is contrary to Policies T2, T3 and T18 of the Unitary Development Plan and Policy 6.3 of the London Plan.

(No.1-4 St Clare Court)

Planning History for Flat 8a

Under planning application ref. DC/10/01670 planning permission was granted for "Conversion of existing basement storage area into 2 two bedroom flats and installation of new windows and doors to the rear and side elevation. Formation of new storage cellar/communal store room /bicycle and bin store.

Application reference: 10/01670 was similar to that approved under DC/10/00880. The internal layout was varied to create a central hallway and the layout of the flats was varied on the advice of the Council's Fire Officer that there was inadequate means of escape.

Under planning application reference:- DC/10/00880/AMD an amendment to the internal layouts and replacement of entrance doors to flats A & B (with integral windows) with kitchen windows was refused (at No.1-8 St. Clare Court).

Under planning application reference:- DC/10/00880 planning permission was granted for the conversion of the existing basement storage area into 2 bedroom flats and installation of new windows and doors to rear and side elevation. Formation of new storage cellar/communal store room/bicycle and bin store (at No.1- 8 St. Clare Court).

Considerations

The primary issues in the assessment of this planning application are:

- Resubmission
- Principle of development
- The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality
- The quality of living conditions for future occupiers
- Impact on the amenity of neighbouring residents
- Highways and traffic issues

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

Resubmission

The previous application was dismissed at appeal. The inspector considered the main issues to be:

- 1) whether the proposal would make adequate provision for the living conditions of future occupiers of the accommodation, having regard to light, ventilation and ceiling heights &

- 2) whether the proposed development would safeguard the living conditions of neighbouring occupiers of Flat 8a, 5-8 St Clare Court.

The Inspector found the previous 1 bedroom flat to provide inadequate ceiling height; 2.4m. 2.5m is the aspiration set out in Standard 31 of the Mayor of London's Housing Supplementary Planning Guidance (SPG) 2016, although concluded that this would not in itself result in an unsatisfactory impact on future occupiers.

Furthermore the Inspector found the side window would benefit from a reduced level of natural light, being north-facing.

Regarding the living conditions, privacy of neighbours and future occupiers the proposed kitchen and living room windows would incorporate windows looking towards the neighbouring basement Flat 8a & 5-8 St Clare Court. The Inspector found that the window had the potential for permanent direct overlooking being located only a few metres away from the kitchen window resulting in a severe impact on the privacy of neighbouring occupiers.

Following the dismissed appeal the agent has submitted a revised application which shows a studio flat measuring 65sqm (GIA), a ceiling height of 2.5m, two high level windows on the side elevation and an entrance door and bi-folding doors in the rear elevation.

Principle of Development

The National Planning Policy Framework (NPPF) promotes the efficient and sustainable use of land for housing. Policy H7 of the UDP outlines the criteria that applications for new housing must meet. It requires the site layout, buildings and level of amenity space to be in keeping with the surrounding area. The Council will therefore resist proposals that would undermine local character or that would be likely to result in detriment to existing residential amenities.

Bromley's Supplementary Planning Guidance No. 2 (Residential Design Guidance) states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality".

The site is located within a predominantly residential area where 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.

The provision of an additional dwelling by converting the existing basement needs to be considered 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, sustainable design and energy, community safety and refuse arrangements.

The design and appearance of the proposed residential development and its impact on the character and appearance of the area and locality

The property is located on Foxgrove Avenue, Beckenham where there are a wide variety of differently designed large detached properties, and blocks of flats as in this case. Consistent character is, however, achieved through similar separation spaces, dwelling footprint and plot widths. The Foxgrove Avenue Area of Special Residential Character states that the area is in the main inter/post war with spacious rear gardens. The blocks of flats along this part of Foxgrove Avenue are all of a similar style and appearance.

The eleven flats located within the three blocks were constructed during the 1930's and the basement areas below flats 1-8 & 9-10 were originally used for the storage of coal and now form part of a large storage area for residents of these flats.

The proposed changes will require both internal and external changes on the flank and rear elevations with windows and bi-folding doors to the rear providing access and light and ventilation to the property. Two high level windows are shown on the flank of the property.

In terms of the impact of the proposal on the visual amenities of the area in general and upon the character and appearance of the Area of Special Residential Character, it is considered that the siting of the development at the side and rear of the property and the works to the ground level would result in the proposal having an acceptable impact. The formation of the basement would not harm the character and appearance of the Area of Special Residential Character and the excavation, whilst causing noise and disturbance to existing residents would not be detrimental to the appearance of the host building.

The quality of living conditions for future occupiers

Table 3.3 of The London Plan and the Draft Housing SPG (2015) state that 'The nationally described space standard sets a minimum ceiling height of 2.3m for at least 75% of the gross internal area of the dwelling. However, to address the unique heat island effect of London and the district density and flattened nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The submitted drawings indicate that the basement flat would now provide a ceiling height of 2.5m (external measurement) which would result in the flat meeting the required standard.

Policy 3.5 of the London Plan states the minimum internal floor space required for residential units on the basis of the occupancy that could be reasonably expected within each unit. The floor space of the proposed unit varies in size depending on the useable height area (owing to the sloping heaves height).

Table 3.3 of the London Plan & National Housing Standards requires a Gross Internal Area of 50sqm for a one bedroom, two person flat. With regard to the above it appears that the size of the flat complies with the minimum space standards (measuring approximately 65sqm) contained in the London Plan.

The proposed flat would comprise a studio flat containing internal living spaces, a kitchen, bathroom and bedroom. Whilst the entrance is now to the rear it means that only two high level windows are now proposed in the flank elevation which would reduce any direct overlooking to the occupiers of No.8a. It is acknowledged that the entrance to the studio flat would be from the rear and future occupiers would be required to walk down the passageway and past Flat 8a to the rear communal garden area. Nevertheless it is considered that a satisfactory quality of accommodation would be provided for future occupiers. The main natural light would come from the rear elevation only.

Residential Amenity and Impact on Adjoining Properties

It is acknowledged that the period of construction would result in some noise and disturbance to the existing residents in the flats of 1-8 St Clare Court as well as No.9&10. However these matters are outside of planning control and the application falls to be considered on the basis of the information submitted with the application in relation to the planning policies and guidance pertinent to the case. Several neighbours have stated that the building of the basement flat at No.1-8 allowed in 2010 caused lots of noise, dirt, dust and debris.

Furthermore the occupier of Flat 8a has written in to say that their flat built by the same landlord is subject to severe damp and that the communal garden area was unusable for 2yrs whilst their flat was built. It is acknowledged that the site is constrained with access via the narrow alleyway only in terms of excavation taking place and the removal of material. There may also be an issue for the occupiers of Flat 8a in terms of their own access, which is on the flank elevation. However, these matters would result in a temporary impact only and would not themselves constitute a reason to refuse planning permission.

Highways

Several of the neighbouring residents have commented that there is no off-street parking and that there is already inadequate parking in the road with evenings and weekends being particularly troublesome. They maintain that to add another dwelling would generate additional traffic. Residents have also stated that there is no useable space to erect cycle storage racks.

The site is within a low (1a) PTAL area. No additional parking has been provided as part of the application and as the Highways Officer as part of the previous application stated the development would not have a significant impact on the parking in the surrounding road network, subject to a condition for cycle storage. Furthermore no concerns were raised in this regard at appeal.

Other matters

It is acknowledged that concern has been expressed regarding the means of construction and structural impact of the proposal on the host building, including potential for water ingress. These matters are considered to be outside of planning control and would be addressed by separate legislation and guidance, including the Building Regulations.

Summary

In summary, the general principle of a conversion is not considered to be inherently out of character within the locality given the Council's decision to grant planning permission for a basement conversion at No.1-8 St Clare Court. Having regard to the amendments to the proposal since the previous refusal members may consider that the proposal now meets with the Council's Policies and overcomes the issues set out in the Inspector's decision letter concerning the previous application. Accordingly it is recommended that planning permission is granted.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) DC/17/00758 & 16/03932 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: Section 91, Town and Country Planning Act 1990.

- 2 Unless otherwise agreed in writing by the Local Planning Authority the materials to be used for the external surfaces of the development hereby permitted shall as far as is practicable match those of the existing building.**

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.

- 3 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans approved under this planning permission unless previously agreed in writing by the Local Planning Authority.**

REASON: In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the visual and residential amenities of the area.

- 4 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 to be submitted to and approved in writing by the Local Planning Authority, 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.

- 5** The surface water drainage system indicated on the approved drawings 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.

- 6** Whilst the development hereby permitted is being carried out, provision shall be made to accommodate operatives and construction vehicles off-loading, parking and turning within the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and such provision shall remain available for such uses to the satisfaction of the Local Planning Authority throughout the course of development.

Reason: In the interests of pedestrian and vehicular safety and the amenities of the area and to accord with Policy T18 of the Unitary Development Plan.

You are further informed that:

- 8** 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
- 9** 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