

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/00460/FULL1

**Ward:**  
**Bickley**

**Address :** Orchard End, 14 Pines Road, Bickley,  
Bromley BR1 2AA

**OS Grid Ref:** E: 542213 N: 169240

**Applicant :** Mr Neil Cooper

**Objections :** YES

### **Description of Development:**

Demolition of existing dwelling and erection of 2x two storey detached house and erection of detached double garage on land at Orchard End, 14 Pines Road and within part of the garden curtilage at 3 Woodlands Road.

#### **Key designations:**

Conservation Area: Bickley Park  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 10

### **Proposal**

The application involves the development of the adjoining sites at Orchard End (No 14) Pines Road and part of the garden area at No 3 Woodlands Road (Orchard Cottage). The proposal involves the demolition of the existing house at Orchard End, and the erection of two detached two storey houses. Both houses would incorporate a predominantly brick finish and substantial pitched roofs, whilst the front part of both houses would incorporate a large entrance hall and associated vaulted first floor above which would be marked by large windows encompassing ground and first floor levels.

At their maximum extents, both houses would measure approximately 12m(w) x 16m (d), whilst they would incorporate eaves heights of 5m and ridge heights of 8m. The houses would incorporate an L-shaped 'handed' footprint. As viewed from Woodlands Road, the proposed western property would be set between approximately 12.0 and 16.6m from the site frontage, whilst the right-hand property would 16.1m and 17.0m from the site frontage. A separation of approximately 7.0m would be maintained between the western property and Pines Road, whilst both houses would maintain a 6m gap to one another. A minimum separation of 7.8m would be maintained between the right-hand houses and the existing dwelling at Orchard Cottage. Vehicular access to the western dwelling would be from Pines Road, and a detached garage would be erected at the rear of the plot. The right-hand dwelling would benefit from vehicular access from Woodlands Road, whilst the house itself would include an integral garage.

The planning application is accompanied by a Planning Statement and an Arboricultural Report.

### **Location and Key Constraints**

The site (encompassing both Orchard End and Orchard Cottage) is situated at the north-eastern corner of the junction of Pines Road and Woodlands Road. It falls within the Bickley Park Conservation Area.

The majority of properties in the Conservation Area are in Woodlands Road, Pines Road, St George's Road and Denbridge Road, with a small part of the CA fronting Chislehurst Road.

Properties along Pines Road and Woodlands Road comprise a mix of architectural types; however the majority are large detached properties located within substantial plot sizes, with some examples of sub-division of larger dwellings. The architectural treatment of a number of the houses has been inspired by the Arts and Crafts movement. The streetscene is also characterised by mature trees, along curving roads, which convey a somewhat rural impression. Both Orchard End and Orchard Cottage are surrounded by a dense tree and shrub cover which largely obscures the existing dwellings from public view.

The Supplementary Planning Guidance for the Bickley Park Conservation Area provides the following description of the Conservation Area:

*“Bickley Park Conservation Area is typified by large elegant houses set individually amid mature trees on spacious plots along curving roads, which convey a somewhat rural impression. The Area represents a remarkably homogeneous pocket of development from the early years of the twentieth century, illustrating the layout, setting and architecture popular amongst those inclined - and able to afford - to retreat to a sylvan Arcadia beyond the metropolis.”*

### **Comments from Local Residents**

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

#### **Objections**

- proposal will lead to three cramped properties with narrow frontages all facing Woodlands Road
- neighbouring properties cited by applicant are not comparable
- Orchard Cottage will be effectively left with no outside space with its setting undermined
- neighbouring properties at Spignalls and Lakedale, Woodlands Road will be overlooked
- loss of vistas of trees and other greenery which contribute to the attractiveness of Bickley Park

- sylvan character of the area will be lost, including 42% of total tree stock according to the Arboricultural Report
- no pedestrian to Woodlands Road from the westernmost property should be incorporated
- cramped form of development
- proposal destroys one of the best gardens in the area
- proximity to Orchard Cottage destroys the charm of that neighbouring building
- proposal will not enhance this corner of the estate which is its main point of entry
- loss of existing rural vista as the Bickley Park Conservation Area is approached
- reduction in scale from previous proposal is marginal and does not outweigh the harm this infill development will have on the immediate more spacious and well landscaped setting of the area; previous objection raised in respect of 2017 application still apply
- any damage to the private Woodlands Road should be made good

### Support

- proposal will enhance this part of the Bickley Park Estate
- there will be no loss of privacy
- proposed dwelling should benefit from private garden area
- no harm to Orchard Cottage
- plot in question is very dated and is not an attractive part of the road
- northern side of Pines Road looks neglected and dark
- proposal will enhance both amenity and visual appearance of the area
- proposal will help enhance into Bickley Park better
- open nature of the proposal is attractive
- proposed houses will be in keeping with neighbouring properties
- development will not be incongruous to the local road and the estate

### Comments from Consultees

APCA:

Overdevelopment of site, poor design would impact adversely on the Conservation Area

Conservation Officer:

The proposed site conjoins the existing plots associated to 14 Pines Road and 3 Woodlands Road. This location is an important gateway entrance into the conservation area. In application 17/01319/FULL1 we identified the location as having a verdant appearance which creates a sense of spaciousness in this part of the CA. I feel the proposal would be an overly intensive use of the site and radically alter the character of the location in a way that would be harmful to the character and appearance of the CA.

The proposal is therefore contrary to BE11. As per para 134 of the NPPF, I would see no public benefit that would outweigh the harm caused.

Environmental Health Pollution Officer:

It is recommended that the following informatives are attached:

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

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

Drainage Engineer:

There is no public surface water sewer near the site, so the applicant is required to make his own arrangement as how to dispose of surface water run-off.

Highways:

There are no objections to this proposal from the highway point of view. This is subject to conditions.

Trees:

The application site is located within a conservation area applying broad protection to trees. An arboricultural report has been submitted in support of the application and identifies a number of low value trees to be removed. The trees are commonly planted garden species and should not present a constraint to the development. The report proposes tree protection measures and is in accordance with British Standard 5837 guidance. The boundary trees are the most significant features of the site and contribute positively to the local street scene along Woodlands Road and Pines Road. The protection measures have addressed the impact on these trees and include satisfactory precautionary measures. Future pruning can be managed under the conservation area notification process.

New landscaping will be of limited opportunity, but due to the nature of the development, details of landscaping should be requested under condition. No objection, subject to 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:

- 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

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

#### Unitary Development Plan

H9 Side space

T3 Parking

T18 Road safety

BE1 Design of new development

BE11 Conservation areas

BE14 Trees in conservation areas

#### Draft Local Plan

8 Side Space

30 Parking

37 General Design of Development

41 Conservation Areas

43 Trees in Conservation Areas

73 Development and Trees

## Supplementary Planning Guidance

SPG1 – General Design Principles

SPG2 – Residential Design Guidance

Supplementary Planning Guidance for the Bickley Park Conservation Area

### **Planning History**

#### Orchard End

Under planning application reference 85/02067, planning permission was granted for a two storey rear extension.

Under reference 06/01699, planning permission was granted for a replacement five bedroom chalet dwelling with a roof dormer and an integral double garage.

Under reference 06/01700, Conservation Area Consent was granted for the demolition of the existing dwelling.

Under reference 08/01877, planning permission was granted for the erection of a replacement five bedroom chalet dwelling with roof dormer and integral double garage and basement.

Under reference 10/01504, planning permission was granted for a replacement five bedroom replacement dwelling including roof dormers, integral double garage and basement accommodation (Revisions to planning permission ref 08/01877 to incorporate alterations to roof and dormer design and siting together with fenestration and elevational alterations)

Under reference 16/01641, planning permission was granted for the demolition of the existing dwelling and the erection of a detached five-bedroom chalet dwelling with roof dormers, integral double garage and associated landscaping.

Under reference 17/01319, planning permission was refused for the demolition of the existing dwelling and the erection of a two storey detached house with accommodation in the roofspace and erection of detached double garage. Planning permission was refused on the following grounds:

*“1. The proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which will impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.*

*2. The proposal is considered to harm the character and appearance of this part of the Bickley Park Conservation Area. The gateway plot is considered of merit in terms of its sense of openness and soft landscaping surrounding the site making a positive contribution to the character of the area. The proposal would therefore be contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.”*

None of the above approved proposals has been implemented and the original dwelling remains in place.

### Orchard Cottage

Under reference 17/01317, planning permission was granted for a single storey side extension and elevational alterations to the existing dwelling.

Under reference 17/01318, planning permission was refused for the erection of a two storey detached dwelling with accommodation in the roofspace within the garden area to the west of the site. Planning permission was refused on the following grounds:

*“1. The proposal is considered to harm the character and appearance of this part of the Bickley Park Conservation Area. The gateway plot is considered of merit in terms of its sense of openness and soft landscaping surrounding the site making a positive contribution to the character of the area; the sub-division of the plot would therefore be contrary to Policies BE11, BE1 and H7 of the Unitary Development Plan, The Bickley Park Conservation Supplementary Planning Guidance and London Plan Policies 7.4, 7.6 and 7.8 and paragraph 134 of the NPPF.*

*2. The proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which will impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.*

*3. The proposed development, by reason of its siting and layout would give rise to an unacceptable loss of outlook to the occupiers of surrounding properties, whilst leading to a significant lack of privacy by way of overlooking to future occupants of the proposed dwelling, contrary to Policy BE1 Unitary Development Plan (2006) and and Supplementary Planning Guidance No 1 General Design Principles and No 2 Residential Design Guidance.”*

### **Considerations**

The main issues relating to the application are the effect that it would have on the character and appearance of the Bickley Park Conservation Area; whether the

proposal would serve to preserve or enhance the CA; and the impact that it would have on the amenities of the occupants of surrounding residential properties. Further considerations relate to the standard of residential accommodation. From a highways perspective, there are no objections to the proposal.

### Resubmission

This application follows the refusal of earlier applications, references 17/01318 and 17/01319 which involved the erection of two detached houses within the current application site (with the existing dwelling Orchard Cottage retained).

In comparison to the scheme refused under those references, there has been a 10% reduction in the overall size and scale of the proposed two detached houses, with the overall ridge height reduced from approximately 8.5m to 8.0m and the second floor accommodation removed. The degree of separation between the two houses has been increased from approximately 4.2m to 6.0m. The design of the western house has been altered with a round turret feature along its SW corner removed.

### Principle

Turning initially to the replacement of the existing dwelling at Orchard End, no objection is raised in principle to its removal. The demolition of the existing dwelling has already been the subject of a number of previous applications, as referenced above. However, for the purposes of this application, the main considerations relate to the scale and massing of the proposed replacement unit within the Orchard End plot, and whether indeed the provision of two substantial detached houses within the wider application site is acceptable in principle.

### 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.

Policy BE11 states that in order to preserve or enhance the character or appearance of conservation areas, a proposal for new development within a conservation area will be expected to respect or complement the layout, scale, form and materials of existing buildings and spaces; respect and incorporate in the design existing landscape or other features that contribute to the character, appearance or historic value of the area; and ensure that the level of activity, traffic, parking services or noise generated by the proposal will not detract from the character or appearance of the area.

The application site is made up by two existing plots sited on the corner of Woodlands Road and Pines Road. The character of this area, set within Bickley Park Conservation is characterised by more spacious plots containing detached houses of varied designs, sited within well landscaped settings. These landscaped settings create a sense of general openness.

The significance of the application site is derived from its prominent corner at the junction of Woodlands Road and Pines Road. It forms something of a “gateway plot” into Woodlands Road and the wider Bickley Park Conservation Area. As a result of the low roof profile of the existing dwelling at Orchard End, the site is dominated by its verdant frontage made up of a variety of trees and bushes.

Given the more forward position of the proposed western dwelling in relation to the existing bungalow at Orchard End it is considered that the proposed building would serve to dominate the plot and impinge upon the existing open aspect. Whilst the existing house is not considered to be of particular merit, the open aspect of the site is considered to contribute positively to the character and appearance of the Conservation Area, and this should be preserved. Accordingly, whilst no concerns are raised in relation to the demolition of the existing dwelling, it is considered that any replacement house should maintain a more modest scale and height and a relatively discreet appearance akin to the existing property, and that a wide separation should be maintained to Woodlands Road.

Given the more southern siting of the replacement dwelling at Orchard End and its overall proportions, it is considered that those existing positive characteristics would be undermined. The proposal, by reason of its scale and massing, would constitute a cramped and over-dominant form of development, which would impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene.

In relation to the proposed eastern dwelling, this would occupy what presently forms part of the garden area for Orchard Cottage. Whilst, a greater standard of separation would be introduced with the houses either side – as compared to the scheme refused under application reference 17/017/01318, it is considered that this would further diminish the spatial standards associated with the area in view of

the consequent narrower plot size and more cramped building configuration. It would result in a closing of the landscaping gap that presently exists between Orchard End and Orchard Cottage. The building itself would be bulky in form and appearance and dominate the setting of Orchard Cottage which forms one of the more historic buildings in the vicinity. Whilst the retention of Orchard Cottage is in itself considered positive – this having first appeared in the 1896 Ordnance Survey, and appears to have served as a coach house to a larger house called The Pines – this is not considered to justify the scale and extent of the development proposed.

The development of the new house would leave Orchard Cottage with a substantially smaller garden area with the front area to be used for access and parking. The loss of the side garden would result in Orchard Cottage having a plot size that is not in keeping with the immediate area; and with few opportunities for landscaping. On the contrary, many of the existing landscaping features would be lost.

Taking the above into account, the proposed buildings would not reflect the proportions, compositions and scales that define the public realm and the Conservation Area. As such, the proposal would not have regard to the form, function, and structure of the surrounding area and would not provide a positive relationship between the proposed and existing urban context, contrary to Policy BE11 of the UDP and Paragraph 134 of the NPPF (2012). There are not considered to be any public benefits associated with the proposal which outweigh the harm to the Conservation Area identified above. It is not considered that examples of development referred to by the applicant justify this scheme or are particularly comparable.

Those examples were for developments on wider plots and the resulting development was neither cramped or resulting in narrow depth and width plots that would appear out of character with the prevailing pattern of residential development in this part of the Conservation Area. The proposed development would lead to the affected houses having substandard gardens that would be uncharacteristic in such a looser development setting and the removal of significant landscaping features with no opportunities to replace elsewhere on the site, only amplifies the harm.

### 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.

Taking account of the siting and orientations of the proposed houses, their separation to neighbouring properties and the overall site characteristics, it is not considered that neighbouring amenity would be adversely affected by way of loss of light, overlooking, loss of privacy or visual impact.

## 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).

Taking account of the above criteria, it is considered that the proposal adheres to adopted housing standards.

## 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 and the applicant has completed the relevant form.

## **Conclusion**

It is considered that the proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which would impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area. Furthermore, the proposal would undermine the verdant and bucolic character of the site which forms a prominent gateway plot within the Bickley Park Conservation Area and makes a positive contribution to the character and appearance of the wider Conservation Area.

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 proposal, by reason of its scale and massing, constitutes a cramped and over-dominant form of development, which will impinge upon the open aspect of the site and undermine the verdant character of the surrounding streetscene, appearing at odds with surrounding development, and leading to a deleterious effect on the character and appearance of the Bickley Park Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.**
- 2. The proposal would undermine the verdant and bucolic character of the site which forms a prominent gateway plot within the Bickley Park Conservation Area and makes a positive contribution to the character and appearance of the wider Conservation Area, contrary to policies BE1, H7 and BE11 of the Unitary Development Plan, policies 7.4 and 7.8 of the London Plan, paragraph 134 of the NPPF and the Supplementary Planning Guidance for the Bickley Part Conservation Area.**