

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

**Application No : 18/01271/FULL1**

**Ward:  
Biggin Hill**

**Address : 70 Sutherland Avenue Biggin Hill TN16  
3HG**

**OS Grid Ref: E: 542188 N: 158357**

**Applicant : Mr A Yar**

**Objections : YES**

**Description of Development:**

Demolition of existing dwelling and erection of detached 3 bedroom chalet bungalow

Key designations:

Smoke Control SCA 24

**Proposal**

It is proposed to demolish the existing dwelling on the site and construct a detached 3 bedroom chalet bungalow. The existing dwelling is located approximately 42m back from the site frontage and is set at a lower level than the neighbouring properties, whilst the new dwelling would be set back 11-12m to accord with the general line of built development along Sutherland Avenue.

The proposed dwelling would be set in 2m from the flank boundary with No.68, and 5.7m from the side boundary with No.72. It would be set approximately in line with the front of No.68, but would lie approximately 4.8m forward of No.72. The proposed dwelling would not extend beyond the rear of either of the adjacent dwellings.

The existing detached garage and vehicular access would be retained to serve the new dwelling.

The application was supported by the following documents:

- Planning Statement

**Location and Key Constraints**

This site is located on the south-western side of Sutherland Avenue and is occupied by a detached part one/two storey dwelling which also has some basement accommodation. It is set significantly further back in its plot than the adjacent dwellings at Nos.68 and 72 (approximately 12-15m), and lies at a lower level where it is set into the hillside.

No.68 to the north-west is a modest sized detached bungalow, whilst No.72 to the south-east is a two storey detached dwelling built in the late 1980s. The surrounding area contains a mixture of bungalows, chalet bungalows and two storey dwellings set within plots of varying size.

A Tree Preservation Order covers the very rear part of the site which would not be affected by the current proposals.

### **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**

- Overlooking of neighbouring properties
- Loss of outlook and views
- Likely to be a further application for more houses on the site
- Detrimental impact on wildlife
- Loss of light to side windows of adjacent bungalow at No.68 and side patio
- Loss of historic Edwardian summerhouse
- Loss of trees
- No information submitted about landscaping of the site, in particular the footprint of the existing house that would be demolished.

The application has been called in to committee by a Ward Councillor.

### **Comments from Consultees**

Environmental Health Pollution Officer: No objections are raised

Drainage Engineer: No drainage objections are raised. Standard conditions are suggested.

Highways: The existing access and parking are being retained, and no highways objections are therefore seen to the proposals. A standard condition regarding repairs to any damaged roads is suggested as Sutherland Avenue is unmade. The condition of the road is currently very poor and so any photographic record will need to include a plan showing where the photos were taken.

### **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 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

- 3.3 Increasing Housing Supply.
- 3.4 Optimising Housing Potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater Infrastructure
- 5.15 Water use and supplies
- 5.16 Waste net self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling

- 6.13 Parking
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.14 Improving Air Quality
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

### Unitary Development Plan

- BE1 Design of New Development
- H7 Housing Density and Design
- H9 Side Space
- T3 Parking
- T18 Road Safety

### Emerging Local Plan

- 4 - Housing Design
- 8 - Side Space
- 30 - Parking
- 32 - Road Safety
- 37 - General Design of Development

### Supplementary Planning Guidance

Housing Supplementary Planning Guidance (2016)  
National Planning Policy Framework (NPPF)

### **Planning History**

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

Permission was refused in June 2017 (ref.17/01485) for the creation of a lower ground floor self-contained annexe accommodation facilitated by the erection of a lower ground infill extension, two new entrance porches, the development of a full first floor facilitated by changes to the roof inclusive of raising of the ridge and eaves height, and fenestration changes on the following grounds:

- 1 The proposed development, by reason of its excessive height, design and siting, would constitute an overbearing, dominant and unneighbourly form of development, harmful to the outlook and amenity of the adjoining occupiers and contrary to Policies BE1 and H8 of the Unitary Development Plan.
- 2 The proposed annexe accommodation could be severed from the host property and could be used as a separate dwelling unit, which would result in an undesirable overdevelopment of the site prejudicial to the amenities of the area and contrary to Policy H8 of the Unitary Development Plan.

The subsequent appeal was dismissed in December 2017 on grounds relating to the dominant and overbearing impact of the extensions on neighbouring gardens, and the effective creation of a separate flat which would be out of character with the surrounding area.

## **Considerations**

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

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

### Principle

The provision of a replacement dwelling on this site is considered acceptable in principle as the density would not be increased, and the property lies within a wholly residential area. However, the proposals also need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area, and the impact on residential amenity and pressure for parking in surrounding roads.

### Design

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

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

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

The proposed dwelling would lie between a two storey dwelling and a bungalow, and although there is currently a gap within the street scene at present (as the existing dwelling is set further down the hillside and is not very visible from the road), the proposed chalet bungalow style dwelling would sit well between these properties when viewed in the street scene, particularly as good separations would be maintained to the side boundaries. It would provide an acceptable transition between the two storey dwelling with pitched roof at No.72 and the low level bungalow at No.68.

Policy H9 of the UDP requires a side space to be retained of 1m or more for the entire height and length of the development between the flank elevation of the host property and the common side boundary with the neighbouring dwelling. A side space of 2m would be retained to the side boundary with No.68, whilst a side space of 5.7m would be provided to the side boundary with No.72. The development would not therefore result in a cramped form of development, and would not adversely impact on the character and appearance of the wider street scene. It is considered that the size and scale of the development is acceptable in that it retains a degree of openness, particularly with the removal of the existing dwelling, and complements the surrounding area.

#### 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 proposals comprise 1 three bedroom 6 person one/two storey dwelling for which The London Plan suggests that the minimum size should be 102sq.m. in

floor area. The dwelling would provide 141sq.m. floorspace, and would therefore achieve this standard.

In terms of amenity space, the development would have a large rear garden of some 60m in depth.

### 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.

No objections are seen to the proposals from a highways point of view.

### 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 dwelling would lie approximately 4.8m from the adjacent bungalow at No.68, and although there would be some loss of light to and outlook from windows in the flank elevation of this property, given the separation distance involved and the hipped design of the roof, the impact is not considered to cause significant harm to the neighbouring property to warrant a refusal. The side dormer proposed in the roof slope facing No.68 would be obscure glazed to prevent any overlooking.

With regard to the impact on No.72, the proposed dwelling would be set 5.7m away from the flank boundary with this property, and a further 1m from the dwelling itself, whilst the existing garage in between would be retained. The proposed dwelling would project 4.8m forward of No.72, but given the separation distance between the dwellings, and the relatively low level of the roof, the outlook from this property would not be unduly affected. Due to the orientation, no overshadowing of this property would occur, and nor windows are proposed in the facing side roof slope.

Concerns have been raised by residents opposite the site that the proposals would result in a loss of view as the site is relatively open at present, but this is not a planning matter as there is no right to a view over neighbouring land. The impact of developing the north-eastern part of this site is further ameliorated by the fact that

the dwellings on this side of Sutherland Avenue are already set at a lower level than those on the opposite side of the road.

Residents have also raised concerns about the likelihood of further residential developments being proposed on the site due to its large size. However, this is not under consideration as part of the current application, and any future application submitted would be considered on its own planning merits taking into account all material considerations, including objections from neighbouring residents.

### 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**

The proposals are not therefore considered to constitute an overdevelopment of the site, nor result in a cramped form of development within the street scene. The amenities of neighbouring residential properties would be adequately protected, and there would be sufficient on-site parking provided to accord with the Council's standards.

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** Details of a scheme of landscaping, which shall include use of native plant species where possible, details of all boundary treatment, the materials of paved areas and other hard surfaces, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved scheme shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted. Furthermore all boundary treatments shall be maintained in perpetuity.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan to secure a visually satisfactory setting for the development and to protect neighbouring amenity.

- 3** Before any part of the development hereby permitted is first occupied boundary enclosures of a height and type to be approved in writing by the Local Planning Authority shall be erected in such positions along the boundaries of the site(s) as shall be approved and shall be permanently retained thereafter.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 4** Details (including samples) of the materials to be used for the external surfaces of the building shall be submitted to and approved in writing by the Local Planning Authority before any work is commenced. The works shall be carried out in accordance with the approved details.

**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

- 5** 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.

- 6** 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

- 7 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.

- 8 Prior to the commencement of the development hereby permitted, a survey of the condition of the road shall be submitted and agreed by the Local Planning Authority and any damage caused to the surface of the road during the construction phase of the development will be reinstated to a standard at least commensurate with its condition prior to the commencement of the 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.

- 9 Before the development hereby permitted is first occupied the proposed dormer window in the north-western flank roof slope 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 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

- 10 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.

- 11 The existing dwelling on the site shall be demolished and the site cleared within three months of the first occupation of the building hereby permitted.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and to prevent overdevelopment of the site.

- 12 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.

- 13 The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be retained permanently thereafter.

**Reason:** To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

You are further informed that :

- 1 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](http://www.bromley.gov.uk/CIL)

- 2 Given the status of Sutherland Avenue as an unadopted street, the applicant should be advised via an informative attached to any permission that the condition of the section of the street to which the proposed development has a frontage should, at the end of development, be at least commensurate with that which existed prior to commencement of the development. The applicant should, therefore, also be advised that before any works connected with the proposed development are undertaken within the limits of the street, it will be necessary for them to obtain the agreement of the owner(s) of the sub-soil upon which Sutherland Avenue is laid out.