

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

Application No : 18/02048/OUT

Ward:
Petts Wood And Knoll

Address : 24 Keswick Road Orpington BR6 0EU

OS Grid Ref: E: 545955 N: 166439

Applicant : Mr Rafael Porzycki

Description of Development:

Demolition of existing dwelling and detached garage and erection of detached two storey 6 bedroom single family dwellinghouse including accommodation in the roof with associated access and parking spaces (Outline application for access, appearance and landscaping)

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 4

Proposal

It is proposed to demolish the existing chalet bungalow on this site and a detached garage at the rear, and construct a two storey 6 bedroom detached dwelling with accommodation in the roof space which would front onto Keswick Road. The application has been submitted in Outline form with only access, appearance and landscaping to be considered at this stage, although illustrative plans have been submitted which show a suggested footprint and parking layout along with the suggested scale of the building.

The illustrative details show a separation of 4.4-5.1m between the proposed building and the southern flank boundary of the site with Stanley Road, whilst a separation of between 4.8-5m would be provided to the northern flank boundary with No.22 Keswick Road. The dwelling would be set back 8m from the front boundary with parking provided on the frontage.

The application was supported by the following documents:

- Design and Access Statement
- Drainage Assessment
- Transport Assessment
- Part M4(2) Statement.

Location and Key Constraints

This site lies at the corner of Keswick Road and Stanley Road, and is occupied by a detached chalet-style bungalow which has been extended in the past. It is bounded to the north by a two storey dwelling at No.22, and the site slopes upwards to the west where it backs onto a large detached dwelling at No.2 St. Kilda Road. The surrounding area contains a mixture of detached and semi-detached dwellings set within varying plot sizes.

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

- Building could easily be converted into flats which would be unacceptable
- Cramped overdevelopment of the site
- Building is too large for this prominent corner site
- Loss of much-needed bungalow accommodation
- Out of character with the surrounding area
- Flat roofed design is out of keeping with surrounding properties
- Parking area at the front will be out of character with the area
- Building is located too close to the side boundaries resulting in a cramped appearance
- Overlooking and overshadowing of neighbouring properties
- Poor design
- Internal accommodation would be cramped
- Previous grounds for refusal have not been overcome
- Reduced visibility at the corner of Stanley Road and Keswick Road
- Detrimental impact on wildlife
- Detrimental impact on protected tree
- Would set an undesirable precedent for the area
- Inaccuracies in the information submitted.

Local Groups (Knoll Residents' Association)

- Building would be very similar to the scheme that was dismissed on appeal
- Inaccuracies in the plans and documents
- Building could easily be converted into flats at a future date.

The application has been called into committee by a Ward Councillor.

Comments from Consultees

Environmental Health Pollution Officer: No objections are raised subject to safeguarding conditions regarding site contamination and the control of pollution.

Drainage Engineer: The submitted Surface Water and SUDs Assessment which maximises the use of SUDS to attenuate for surface water run-off is considered acceptable.

Highways: The previous applications were for a pair of semi-detached houses which were both refused. The current proposals are for a single 6 bedroom property, and the application is outline for access, appearance and landscaping. The existing property has three accesses, one from Keswick Road and two from Stanley Road. The access to the existing garage is being kept while the other two are being removed with a new access proposed onto Keswick Road.

A new BT box has been positioned where the new crossover is proposed which may be expensive to move. If any new crossover affects the existing street tree, it would need to be removed and replaced at a cost to the applicant.

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

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 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
Policy 6.9 Cycling
Policy 6.13 Parking
Policy 7.2 An inclusive environment
Policy 7.3 Designing out crime
Policy 7.4 Local character
Policy 7.6 Architecture
Policy 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 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
NE7 Development and Trees

Emerging Local Plan

4 - Housing Design
8 - Side Space
30 - Parking

32 - Road Safety
37 - General Design of Development
73 - Development and Trees

Supplementary Planning Guidance

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

Planning History

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

Outline permission was refused in 1986 for a detached dwelling in the rear garden of No.24 fronting onto Stanley Road (ref.86/00071), on grounds relating to the unsatisfactory subdivision of the plot, cramped overdevelopment, inadequate amenity space for the existing and proposed dwellings, and the detrimental impact on neighbouring properties. The subsequent appeal was dismissed in 1987.

Full planning permission was refused in March 2017 (ref.16/05466) for the demolition of the existing dwelling and detached garage at rear, and the erection of 2 two storey 4 bedroom semi-detached dwellings with accommodation in the roofspace, associated accesses and 4 car parking spaces on the following grounds:

"The proposed semi-detached dwellings, by reason of their size, design and proximity to the side boundary, would constitute a cramped overdevelopment of the site and an unsatisfactory sub-division of the existing plot, harmful to the street scene and the character of the area in general and contrary to Policies BE1 and H7 of the Unitary Development Plan, adopted SPG1 and SPG2, Policies 3.5 and 7.4 of the London Plan, the London Housing Supplementary Planning Guidance and the National Planning Policy Framework."

Most recently, outline planning permission was refused in June 2017 (ref.17/01588) for the demolition of the existing dwelling and detached garage at the rear, and the erection of 2 two storey 4 bedroom semi-detached dwellings with accommodation in the roofspace, associated accesses and 4 car parking spaces on the following grounds:

- 1 The proposed building, by reason of its excessive rearward projection in close proximity to the boundary with No.22 Keswick Road, would appear overbearing and result in loss of light to and outlook from the neighbouring property and its rear garden, detrimental to the amenities of the adjoining occupiers, and thereby contrary to Policies H7 and BE1 of the Unitary Development Plan.
- 2 The proposed semi-detached dwellings, by reason of their proximity to the side boundary would constitute a cramped overdevelopment of the site, harmful to the street scene and the character of the area in general and

contrary to Policies BE1 and H7 of the Unitary Development Plan, adopted SPG1 and SPG2, Policies 3.5 and 7.4 of the London Plan, the London Housing Supplementary Planning Guidance and the National Planning Policy Framework.

The subsequent appeal was dismissed as the development was considered to result in a loss of light to and outlook from No.22 adjacent, and would form an incongruous and overly dominant development on this prominent corner site which was considered to be uncharacteristic of the area.

Considerations

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

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

Resubmission

The current proposals are for a single replacement dwellinghouse rather than for a pair of semi-detached dwellings which were proposed under the previously refused schemes (one of which was dismissed on appeal).

Although in outline form only, the indicative plans show a building which has been reduced in width by 2.7m, and in depth by 1.7m. It would be set 1.4m further back from the front of the site, and would be 1.7m further away from the adjacent dwelling at No.22. The roof height would be reduced by 0.9m, and a catslide roof added to the front.

The overall floorspace of the building has been reduced from 660sq.m. which was proposed for the 2 semi-detached dwellings under the appeal scheme, to 537sq.m. for the single dwelling now proposed.

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.

The application has been submitted in outline form only, with the scale and layout of the proposed development reserved for subsequent approval. Therefore, the key consideration is whether a six bedroom dwelling is acceptable in principle on this site based on the illustrative details submitted.

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.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

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

In dismissing the previous scheme for two semi-detached dwellings (ref.17/01588), the Inspector considered that the proposed dwellings would be set considerably further forward than the existing bungalow, and would appear incongruous and would stand out as an overly prominent and uncharacteristic form of development on this prominent corner site. She accepted that No.22 adjacent is also a substantial property, as are other properties in the vicinity, but considered that they were not comparable as they are not set in a prominent corner location. She concluded that the layout and form of the development were such that it would dominate its corner location, and would not complement the established pattern of development in the area.

Although in outline form only, the illustrative plans show a smaller building than the dismissed scheme that would be reduced in width by 2.7m and in depth by 1.7m,

and would be 0.9m lower in height. It would be set 1.4m further back from the front of the site, 1m further away from the side boundary with Stanley Road, and 1.7m further away from the adjacent dwelling at No.22. The dwelling would still be set slightly forward of the adjacent dwellings in Keswick Road, but it would now have a catslide roof to the front rather than the gable roofs previously proposed which would help to reduce the scale of the building within the street scene.

Although the building would be considerably larger than the existing bungalow on the site, the revised proposals for a single dwelling are now considered to adequately overcome the previous Inspector's concerns with regard to the uncharacteristic form of development (a single dwelling is now proposed rather than two) and its prominence on this corner plot. Furthermore, the illustrative plans submitted show that a two storey six bedroom dwelling can be comfortably accommodated on the site.

Standard of residential accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

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 Technical 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.

The minimum space standard for the proposed dwelling is 138sq.m., and the illustrative drawings show a dwelling with a floorspace of 537sq.m. which far exceeds the minimum standard.

The rear garden area would be of a good size to serve a 6 bedroom dwelling.

The applicant has confirmed that the proposals would comply with Part M4(2) of the Building Regulations "accessible and adaptable dwellings", and therefore complies with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016.

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 transport issues should be considered from the earliest stage of both plan making and when formulating development proposals and development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The NPPF states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed

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 highways objections are raised to the proposals in principle, although the proposed position of the new crossover appears to be in the location of a new BT box, and may also affect an existing street tree.

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.

In dismissing the previous scheme, the Inspector raised concerns about the depth of the proposed dwellings which would have a greater impact on the adjoining dwelling than the existing bungalow. She considered that the long side wall of the two storey development would cause a loss of sunlight to a ground floor rear-facing window at No.22, and would adversely affect outlook from the rear of this property.

The proposed dwelling would now be set 1.7m further away from the flank boundary with No.22, giving a separation between the dwellings of 7m, and the rear wall of the building would be slightly reduced in depth by 0.3m (albeit that the upper floors would be slightly deeper in sections).

Some loss of light to and outlook from the adjacent dwelling may still occur, but this is not considered to be of a significant level to warrant a refusal.

The dwelling to the rear of the application site at No.2 St Kilda Road is set at a higher level than the application site and has a garage located on the boundary. It would be set approximately 28m away from the proposed dwelling, and the proposals are not considered to result in a significant loss of privacy or outlook.

The occupiers opposite at No.1 Stanley Road have raised concerns about loss of outlook and privacy to the rear of their property and their rear garden which backs onto Keswick Road. The new dwelling would appear more bulky than the existing chalet bungalow which has only one front dormer window at first floor level, but the new dwelling would be located a minimum 36m away from the rear elevation of No.1, and windows at first floor level are not uncommon on this side of Keswick Road. As with the previous schemes, it is considered that the relationship between these properties is acceptable.

The proposals are not therefore considered to result in a significant loss of amenity to neighbouring properties.

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.

Trees

There are no trees of significance on the site, however there is a pine tree in the front garden of No.22 immediately adjacent to No.24 which is protected by a TPO. The existing driveway access from Keswick Road passes beneath the protected pine tree, but the overhanging canopy is minimal which indicates that clearance pruning has taken place in the past. The current drive is hard surfaced and the proposed parking area is not considered to be harmful to the adjacent protected tree.

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application as it is for outline permission only.

Conclusion

The revised outline proposals for a single dwelling are considered to have adequately overcome the previous grounds for dismissing the scheme for two semi-detached dwellings. The proposals are not now considered to result in a cramped form of development on this prominent corner site, nor have a seriously detrimental impact on light to and outlook from the adjacent property at No.22 Keswick Road.

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 (i) Details relating to the

- (a) layout**
- (b) scale**

shall be submitted to and approved by the Local Planning Authority before any development is commenced.

(ii) Application for approval of the details referred to in paragraph (i) above must be made not later than the expiration of three years beginning with the date of this decision notice.

(iii) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the details referred to in paragraph (i) above, or in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: No such details have been submitted and to comply with the requirements of Section 92 of the 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** 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 to London Plan policy 5.13

- 6** 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.

- 7** Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no building, structure or alteration permitted by Class A, B, C, or E of Part 1 of Schedule 2 of the 2015 Order (as amended), shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy BE1 of the UDP.

- 8** No windows or doors shall at any time be inserted at first floor level in the northern flank elevation of the dwelling hereby permitted, without the prior approval in writing of the Local Planning Authority.

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

- 9** 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.

- 10** 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.

- 11** 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.