

SECTION '2' – Applications meriting special consideration

Application No : 18/02912/FULL1

Ward:
Bromley Town

Address : 2 Heron Court Bromley BR2 9LR

OS Grid Ref: E: 541325 N: 168005

Applicant : Mr Ollie Hannifan

Description of Development:

Proposed subdivision of existing plot (No.2 Heron Court) to provide an additional dwelling.

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 19

Proposal

Planning permission is sought for the erection of a new two storey, two bedroom dwellinghouse with forecourt parking. The proposal involves subdividing the existing plot at No.2 Heron Court by using some of the existing amenity space to the side of the property.

The application is accompanied by a Design & Access Statement and a Planning Statement.

The application is a resubmission of a previously refused application (Ref:- 14/02748) which was refused by the Council on 1st October 2014 and dismissed at appeal on 27th March 2015.

The proposed two storey property would mirror the front and rear building line of the neighbouring property No.2 Heron Court and would include a dual pitched roof with a gable end, with the ridge height of the roof being lower than the main ridge line of the host dwelling. The roof slopes at front and rear of the extension roof would be set at a less acute angle than the host roof.

New windows are proposed at ground and first floor level in the front, rear and flank elevations. At ground floor level large sliding doors are proposed to be provided which would open onto the side gardens. A new entrance door and window would be added to the front elevation.

At first floor level (side) proposed new windows would be inserted into the first and roof space. New windows would also be inserted onto the front and rear elevations.

A single storey rear extension is proposed with a flat roof. The extension would be approximately 3.2m deep x 3m in height with a roof lantern.

The resultant dwelling would have a living, dining area and kitchen on the ground floor with a bedroom, bathroom and storage area on the first floor. The roof space would provide the second bedroom.

One off road parking space would be provided.

Location and Key Constraints

The host site lies on the corner of Heron Court and Bromley Common (A21). Heron Court is a small estate development comprising a mix of terraced dwelling houses lying opposite a three-storey block of residential flats. The flatted block lies parallel with the main road adjacent, while the terraced row lies at a right angle to the A21. The flank elevation of the end (host) dwelling faces the main road.

The site is currently occupied by an end of terrace dwelling with a generous side space separating the flank gable wall of the dwelling from the adjacent A21 main road. The south-western boundary of the site contains a cypress hedge and several mature trees.

The immediately surrounding area is characterised by residential development of a mixed design, scale and appearance. The post-war estate of Heron Court lies between older single residential dwellings fronting Bromley Common. Opposite the site are substantial semi-detached inter-war dwellings. To the south east of the appeal site is a pair of modest semi-detached dwellings, beyond which lie 69 and 71 Bromley Common, a pair of Grade II Listed dwellings dating from the 1850s. The retail store Topps Tiles was recently erected on the site of a vacant public house, The Five Bells, and the front elevation of the new building on that site follows the front building line of the former public house, the listed dwellings and Nos. 63 and 65 Bromley Common.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and one letter of support was received stating that the new dwellinghouse would help temper the traffic noise from the A21.

Consultee comments

Highways - The site is located on the corner of Heron Court and Bromley Common. Bromley Common (A21) is part of Transport for London road network; therefore TfL should be consulted.

TfL - no response.

Also the development is in an area with PTAL rate of 3 on a scale of 0 - 6b, where 6b is the most accessible.

One off street parking space via a new vehicular crossover would be provided. There is a sign post which may require relocating.

If minded to approve; please include the following with any permission:

CONDITION

H03 (Car Parking)

H22 (Cycle)

H29 (Construction Management Plan)

H32 (Highway Drainage)

INFORMATIVE

DI16 (Crossover)

Nonstandard informative - Street furniture/ Statutory Undertaker's apparatus "Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the creation of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant

Environmental Health (Pollution) - No objections

Drainage - Please impose D02.

Street Trees - Studying the plans, the proposed construction does not require an excavation in to the Root Protection Area (RPA) of the adjacent LBB street tree. My concern is that plant and/or materials may be stored within the RPA during the construction period which may have a negative impact on the trees long term health. Therefore I request that a condition is made to install and maintain adequate protective fencing installed outside of the RPA for the duration of the construction (as per the diagram below).

The applicant has not provided an Arboricultural Impact Assessment, therefore I recommend that they engage a consultant in order to supervise the implementation of the fencing.

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.

The National Planning Policy Framework was published on 24th July 2018. According to paragraph 48 of the NPPF decision takers can also give weight to relevant policies in emerging plans according to:

a) The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

b) 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

c) The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF

The Council is preparing a Local Plan. The submission of the Draft Local Plan was subject to Hearings from 4th December 2017 and the Inspectors 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

7.4 Local character

7.6 Architecture

7.8 Heritage assets and archaeology

Unitary Development Plan

H8 Residential extensions

H9 Side space

T3 Parking

T18 Road safety

BE1 Design of new development

BE8 Statutory listed buildings

Draft Local Plan

6 Residential Extensions

8 Side Space

30 Parking

37 General Design of Development

38 Statutory Listed Buildings

Supplementary Planning Guidance

SPG1 - General Design Principles
SPG2 - Residential Design Guidance

Planning History

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

17/05620/FULL6 Conversion of roof space to form habitable accommodation including rear dormer extension, single storey rear extension and two storey side extension - GRANTED

17/04152/PLUD Rear dormer extension. Lawful Development Certificate - GRANTED

17/02144/FULL6 Conversion of roof space to form habitable accommodation including side dormer extension, single storey rear extension and two storey side extension - REFUSED

Planning permission was refused on the grounds:

"The proposal by reason of its scale, siting and design would have a detrimental impact on the appearance of the host dwelling, the street scene and the visual amenity of the surrounding area contrary to Policies BE1, H8 and H9 of the Unitary Development Plan, Policies 7.4 and 7.6 of the London Plan and the requirements of the National Planning Policy Framework."

14/02748/FULL1- Erection of an attached two storey dwelling with rear dormer. REFUSED

Planning permission was refused on the grounds:

"The proposed development would result in the unacceptable sub-division of the existing plot resulting in a cramped overdevelopment of the site and harmful to the appearance of the street scene and detrimental to the visual amenity of the surrounding area, contrary to Policies BE1, H7 and H9 of the Unitary Development Plan."

A subsequent appeal against the refusal of planning permission was DISMISSED.

The appeal Inspector considered that the main issue was the effect of the development on the character and appearance of the surrounding area. The Inspector found that the small rear dormer proposed to the new dwelling would not harm the character and appearance of the area, taking into account the existing dormer at No. 4. The Inspector found that the proposed dwelling would be of a similar design, scale and proportion to others in the terrace and would retain approx. 8m separation to the side boundary while being broadly in line with Nos. 1-53. However it was noted that the proposed development would project noticeably beyond the building line south east of Heron Court. The development of the side garden at No. 2 would have eroded the spacious character of the area. The Inspector referred to SPG2 which notes that the loss of a substantial part of a side

garden is likely to be harmful to the setting of the building. The Inspector assessed that the side garden contributed to the open character retained in longer views from either direction along Bromley Common.

It was also noted that looking south east from the appeal site the front facades of the nearby Grade II listed houses at Nos. 69-71 and the spire of St. Luke's Church are visible beyond the side garden of No. 2. It was considered "the erosion of this open character is a further indicator of the cramped nature of the development, and would add to the harm already identified."

The Inspector considered, notwithstanding these reservations, that the proposal would not have had a detrimental impact on the residential amenities of neighbouring properties and would have preserved the setting of the pair of Grade II listed villas at Nos. 69-71 Bromley Common.

Considerations

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

- Resubmission
- Design
- Heritage Impact
- Highways
- Neighbouring amenity
- CIL

Resubmission

This application seeks to overcome the grounds for refusal of application Ref:- 14/02748/FULL which proposed the erection of an attached two storey dwelling with rear dormer, which was refused by the Council on 1st October 2014 and dismissed at appeal on 27th March 2015. A subsequent application (Ref:- 17/02144/FULL6) for the erection of a two storey side extension and dormer was also refused by the Council on 11th July 2017. The extension had been refused because of the width and because it was felt that the extension would erode the open character of the area and the complicated roof design and dormer extension would appear as a jarring feature and out of scale with the host dwelling.

More recently, although recommended for refusal, the Council allowed an application (Ref:- 17/05620/FULL6) at committee held on 23.01.18 for conversion of roof space to form habitable accommodation including a rear dormer, single storey rear extension and a two storey side extension.

The principal differences between the current scheme and that previously refused planning permission under reference 14/02748/FULL6 are summarised below:

- The width of the extension has been reduced from 6.8m to 4.9m (reduction of 1.9m).
- A front projection has been added in place of a porch
- Additional windows have been added to the flank elevation

- Rear dormer extension has been removed
- Number of bedrooms has been reduced from 4 to 2.
- Different window design and configuration to the front and rear elevations
- Roof light added to the roof space (rear elevation)
- The roof design of the proposed dwelling has been amended, with the gable end roof set down and set back from the adjacent property No.2 Heron Court.

The other material consideration in the determination of this application is the last application submitted to the Council for No.2 Heron Court which was granted planning permission on 1st February 2018 under planning application 17/05620/FULL6 for "conversion of roof space to form habitable accommodation including rear dormer extension, single storey rear extension and two storey side extension". The principal differences between the current scheme and that previously granted under reference 17/05620/FULL6 is that this application was for an extension to No.2 Heron Court and the current application is for a new dwellinghouse.

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.

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

The current application proposes a two storey dwellinghouse providing two bedrooms with off-street car parking. It is noted that the current application has been revised from the previously refused application but proposes the same footprint as the last application that was approved as an extension. The only exception being a minor additional forward projection. The roof height and design remains the same but design changes have been made to windows in the front, side and rear elevations, a rooflight has been added to the rear roofslope and the single storey projection now has a flat roof in place of one that slopes.

In some respects this design is more satisfactory, in terms of compatibility with the existing roof design and in presenting a 'cleaner' and more streamlined roof design than the 2014 application. However the bulk of the proposed new dwelling has increased at roof level to accommodate the second bedroom. The asymmetry of the roof slope of the new dwelling compared with No.2 would still remain somewhat jarring.

The new dwellinghouse would still be clearly visible from public vantage points, to vehicles proceeding along Bromley Common and from the public footway. In assessing the application under 14/02748/FULL1 proposal the Inspector appraised the relationship between the host dwelling and the building line, noting that the

proposed dwelling would have projected noticeably beyond the building line south east of Heron Court. The consistency of the building line, with development set well back from the street, was considered to contribute to the character of the area and the impression of openness and space between built development and the busy adjacent road, with the Inspector stating:

"I agree with the Council that, whilst there are some exceptions, most properties fronting this section of Bromley Common are set well back from the road, providing for a spacious character. Moreover, although there are trees and shrubs along the front boundary of the appeal site, given the size of the existing side garden of No. 2, an open character is still retained in longer views from either direction along Bromley Common."

The supporting statement submitted with the application emphasises that the flank elevation of the extension would be set back from the front elevation of the flatted block at Heron Court relative to the adjacent A21. This is noted, but in assessing the previous application and the appeal Inspector's determination, greater weight was placed on the relationship between the development and the building line to the south east. It is considered that it is this building line and built development that the application site most clearly relates to in visual and physical terms, given the proximity of the host site to these buildings and position within the same 'block' between the junctions of Heron Court and Southlands Road with Bromley Common.

The Inspector stated:

"looking south east from the appeal site, the front facades of the nearby Grade II listed Nos 69-71 and the spire of St Luke's Church can be seen beyond the side garden of No. 2. The erosion of this open character is a further indicator of the cramped nature of the development, and would add to the harm already identified."

In the report into the application refused under reference 17/02144/FULL6 it was noted that the proposal would significantly enlarge the host dwelling, with the extensions appearing out of scale with the host dwelling and resulting in the extended dwelling appearing disproportionate in the context of the modest terrace. The appearance of the resultant dwelling was considered to be uncharacteristic of the uniform rhythm of dwellings in the terrace, undermining the appearance of the host dwelling and the street scene.

While direct replication of the existing townscape may not be necessary where a development is sustainable and demonstrates good design, as stated above, it was not considered that the design of the development and its bulk and scale in relation to the host dwelling was sympathetic to the site and surroundings and would have demonstrated good design.

While narrower than the refused 2014 application the proposal would nevertheless erode the open character contributed to by the host dwelling's generously wide side garden, and this would be detrimental to the wider visual amenities and character of the area. It is acknowledged that if the measurements of the development and the separation to the front boundary were viewed in isolation the

space retained to the boundary may be considered generous, as was the separation proposed in the previous applications. However the development falls to be considered not in isolation but in the context of the specific, individual site and surroundings. Each case is considered on its merits and in relation to the prevailing pattern and distinctiveness of the locality. In the case of this specific application site, the generosity of space retained to the Bromley Common boundary has been found to play an important role in the spaciousness of the area and where proposals would undermine that characteristic and contributory role the impact of the proposed development on visual amenity falls to be carefully considered.

In terms of the relationship between the current application and the scheme dismissed at appeal, the current proposal provides approx. 9.2m space to the side boundary with Bromley Common (A21) where the dismissed scheme was noted by the Inspector to provide approx. 8m separation. The scheme dismissed at appeal also proposed a replication of the built form of the existing dwelling, including the roof slopes and ridge height.

On balance, it may be considered that the proposal would not undermine the visual amenity and distinctive quality of the street scene. The reduction in the width of the extension and the amendments to the roof design are similar to that allowed as an extension and the changes to the windows and the rear projection are not too dissimilar to that previously approved.

Heritage Assets

The NPPF sets out in section 12 the tests for considering the impact of a development proposal upon designated and non-designated heritage assets. The test is whether the proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset and whether it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits. A range of criteria apply.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on a local planning authority, in considering development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting, or any features of architectural or historic interest it possesses.

The NPPF also states that great weight should be given to the conservation of heritage assets (para.132).

It is considered that the proposed development would not harm the setting of the Listed Buildings, taking into account the determination of the planning Inspector in respect of this issue.

Highways

The NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be

prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

London Plan and UDP Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking standards within the London Plan, UDP and emerging draft Local Plan should be used as a basis for assessment.

The proposed development would result in the host dwelling comprising a two bedroom dwelling with one off road car parking space. Part of Heron Court lies on a red route and the erection of a new dwellinghouse would result in the displacement of two on-street car parking spaces. The Council's Highways Department have raised no objection to this. It is noted that when planning permission was refused in 2014 for a dwelling, the refusal grounds did not relate to highways matters. It is not therefore considered that the proposal would have an inherently greater impact on existing/future parking demand than the existing/permitted development dwelling.

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 relationship between the proposed single storey rear extension and that existing at No. 4 and the separation between the two storey side extension and the rear boundary with No. 63 Bromley Common, it is not considered that the proposal would result in a significant loss of amenity with particular regard to light, outlook, prospect and privacy

CIL

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

Conclusion

Having had regard to the above it is considered that the development in the manner proposed is acceptable as it would impact detrimentally on the character of the 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: 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 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.

- 5 Before commencement of the use of the land or building hereby permitted parking spaces and/or garages and turning space shall be completed in accordance with the approved details and thereafter shall be kept available for such use and no permitted development whether permitted by the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order amending, revoking and re-enacting this Order) or not shall be carried out on the land or garages indicated or in such a position as to preclude vehicular access to the said land or garages.

Reason: In order to comply with Policy T3 of the Unitary Development Plan and to avoid development without adequate parking or garage provision, which is likely to lead to parking inconvenient to other road users and would be detrimental to amenities and prejudicial to road safety.

- 6 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.

- 7 Prior to the commencement of the development hereby permitted a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include measures of how construction traffic can access the site safely and how potential traffic conflicts can be minimised; the route construction traffic shall follow for arriving at and leaving the site and the hours of operation, but shall not be limited to these. The Construction Management Plan shall be implemented in accordance with the agreed timescale and details.**

Reason: In order to comply with Policy T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

- 8 Surface water from private land shall not discharge on to the highway. Details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works. Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the approved details and shall be retained permanently thereafter.**

Reason: To ensure satisfactory implementation of the surface water drainage proposals and to accord with London Plan Policy 5.13 Sustainable Drainage

- 9 Before the development hereby permitted is commenced, details of the specification and position of fencing (and any other measures to be taken) for the protection of any retained street trees shall be submitted to and approved in writing by the Local Planning Authority. The areas enclosed by fencing shall not be used for any purpose and no structures, machinery, equipment, materials or spoil shall be stored or positioned within these areas. Such fencing shall be retained during the course of building work.**

Reason: In order to comply with Policies NE7 and NE8 of the Unitary Development Plan to ensure works are carried out according to good arboricultural practice and in the interest of the health and visual amenity value of trees to be retained.

You are further informed that :

- 10 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**

- 11 You should contact extension 4621 (020 8313 4621 direct line) at the Environmental Services Department at the Civic Centre with regard to the laying out of the crossover(s) and/or reinstatement of the existing crossover(s) as footway. A fee is payable for the estimate for the work which is refundable when the crossover (or other work) is carried out. A form to apply for an estimate for the work can be obtained by telephoning the Highways Customer Services Desk on the above number.
- 12 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