

SECTION '2' – Applications meriting special consideration

Application No : 18/03182/FULL1

Ward:
Hayes And Coney Hall

Address : Oakdene 51 Bourne Way Hayes
Bromley BR2 7HA

OS Grid Ref: E: 539849 N: 165998

Applicant : Vera Road Limited

Description of Development:

Construction of a third floor roof extension to the existing building to provide 3 residential units (2 x1 bed and 1 x 2 bed).

Key designations:

Biggin Hill Safeguarding Area
Biggin Hill Safeguarding Area
London City Airport Safeguarding
London City Airport Safeguarding
Smoke Control SCA 51

Proposal

Planning permission is sought to add an additional storey to the existing block of flats to add three additional flats. Three off-street car parking spaces are proposed to be designated to each of the new flats. The car parking spaces are shown outside of the existing block of flats which are currently used as visitor spaces.

The application is accompanied by a Planning Statement.

Location and Key Constraints

The application site is a three storey block of flats built in 1979 and contains 9 existing flats with hardstanding to the front for 5 visitor car parking spaces and garages to the right. The site is located on the southern side of Bourne Way, Hayes. The surrounding area is a mixture of purposes built flats (Meycroft, opposite), (Kemsing Close, south-east) and residential dwellinghouses to the south-west. The site lies within 250m of Hayes Train station.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and several letters of objection were received which can be summarised as follows: -

- The proposed extension to four storeys would overlook our gardens and our privacy will be compromised.

- It's unprecedented in Hayes for a block of flats that have residences on one level to have four storeys. Meycroft, cited in the planning document as having four levels is a development of duplex flats which by definition necessitates having a block with four storeys as each flat clearly requires two levels.
- The planned provision of parking is woefully inadequate. The area marked as reserved spaces for new flats is already heavily used. There is absolutely nowhere else for cars to be parked in this development. Bourne Way is a busy road with controlled parking (single yellow line) directly outside the flats.
- We are already overlooked by residents of Oakdene and if another floor is added this will severely increase the obtrusion overlooking our property and garden.
- There are already windows on the western flank of the flats, so if an extra floor is added the residents will easily be able to look into our bedrooms.
- The mature trees between Oakdene and the flats of Kemsing Close do not provide adequate privacy.
- The proposed extension is out of keeping with surrounding properties.
- Meycroft (opposite) will be completely overlooked by this building.
- Parking is a major concern and it is incorrect to say that the needs of current residents are catered for by the garage block. Only 8 of the 9 flats have garages and these are too narrow to fit anything other than a very small car. The communal car park has 5 spaces, which are shown, which are shared on a 'first come first served' basis by current residents and visitors. It is frequently full during the daytime and night time. The proposal to dedicate 3 of the 5 flats to the new flats would leave only 2 shared spaces, which would cause intolerable pressure on the current residents (presumably exacerbated by the needs of any visitors to the flats).
- There is virtually no daytime parking in the vicinity.
- The additional units will create more noise in the hallways and building overall.
- The building was built in 1979 and is not post war.
- To add another floor to the existing structure will remove a great deal of light from the properties in Kemsing Close, which back onto the property.

Comments from Consultees

Thames Water: no comments received

Environmental Health Pollution Officer: - no objections

Drainage - no comment

Highways - The site has moderate/good access to public transport (PTAL 3).

The scheme proposes a third storey extension to the existing building to provide three new flats, 2 x one bed unit and 1 x two bed unit.

Car parking for the three units will be provided on the hardstanding to the front of the building as shown on the plan. The existing flats currently use the adjacent garages for parking, this arrangement will continue.

The scheme will also provide cycle parking for the three new flats in accordance with London Plan standards. The cycle racks will be located to the rear of the property, adjacent to the refuse store.

Please include the following with any permission:

Condition

H03 (Satisfactory Parking)

H16 (Hardstanding for wash-down facilities)

H19 (Refuse storage)

H22 (Cycle parking) as per London plan

H29 (Construction Management Plan)

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

- 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 5.13 Sustainable drainage
- Policy 5.15 Water use and supplies
- Policy 5.16 Waste net self-sufficiency
- 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 8.2 Planning obligations
- Policy 8.3 Community infrastructure levy

Mayor's Housing Supplementary Planning Guidance 2016

The National Planning Policy Framework (NPPF) is also a consideration.

Unitary Development Plan

- BE1 Design of New Development
- H8 Residential Extensions
- BE7 Railings, Boundary Wall and Other Means of Enclosure
- H1 Housing Supply
- H7 Housing Density and Design
- T3 Parking
- T7 Cyclists
- T18 Road Safety

Emerging Local Plan

- Draft Policy 1 Housing Supply
- Draft Policy 4 Housing Design
- Draft Policy 37 General Design of Development
- Draft Policy 30 Parking

Supplementary Planning Guidance

Planning History

There is no planning history associated with the site.

Considerations

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

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

Principle of Development

Housing is a priority use for all London boroughs and the Development Plan welcomes the provision of small scale infill development in the areas of stability and managed change provided that it is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. The National Planning Policy Framework (NPPF) states in Paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development.

The NPPF sets out in paragraph 14 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with a local plan, applications should be approved without delay. Where a plan is absent, silent or relevant policies are out of date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or specific policies in the Framework indicate development should be restricted.

Policy H7 of the UDP sets out criteria to assess whether new housing development is appropriate subject to an assessment of the impact of the proposal on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, community safety and refuse arrangements.

Policy BE1 of the UDP outlines that the design of new development proposal will be expected to be of a high standard and layout, which should seek to be imaginative and attractive to look at, complement the scale, form, layout and materials of adjacent buildings and areas and preserve the character of the street scene.

London Plan Policy 3.4 Optimising housing potential of the London Plan seeks to optimise housing potential, taking into account local context and character, the design principles and public transport capacity.

Furthermore, Policy 3.5 of the London Plan seeks to ensure that housing developments should be of the highest quality internally, externally and in relation to their context and their wider environment. In addition, development proposal should seek to protect and enhance London's residential environment and attractiveness as a place to live.

The site is located in a residential area where the Council will consider new residential that is designed to complement the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space. Any adverse impact on neighbouring amenity, conservation and historic issues, biodiversity or open space will need to be addressed. Therefore, the provision of an additional storey to the existing block of flats needs to be considered in respect of the impact on the appearance/character of the surrounding area, the residential amenity of adjoining and future residential occupiers of the scheme, car parking and traffic implications, sustainable design and energy, community safety and refuse arrangements.

Design, Siting and Layout

Whilst the principle of residential development on this site may be acceptable in this location, the proposal would still need to be assessed against the wider context in terms of the character, spatial standards and townscape value of the surrounding area.

The National Planning Policy Framework (NPPF) states that a key role for planning is to seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Further to this, paragraph 58 of the NPPF states that planning decisions should aim to ensure that developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; establish a strong sense of place, respond to local character and history, and reflect the identity of local surroundings and materials; and are visually attractive. Whilst, Paragraph 60 of the NPPF states that it is proper to seek to promote or reinforce local distinctiveness, whilst paragraph 61 refers to the fact that although visual appearance and architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations.

London Plan Policy 7.4 requires developments to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings. Furthermore, Policy 7.6 of the London Plan states that development should be of the highest architectural quality, be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm and should comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy BE1 states that development should be imaginative and attractive to look at, should complement the scale, form, layout and materials of adjacent buildings and areas. Development should not detract from the existing street scene and/or landscape and should respect important views, skylines, landmarks or landscape features. Space about buildings should provide opportunities to create attractive settings with hard or soft landscaping and relationships with existing buildings should allow for adequate daylight and sunlight to penetrate in and between buildings.

The existing building measures 9m in height x 19.7m in width; the addition of a four floor would increase the height of the building to 10.3m (an increase of 1.3m in height). The design and dimensions of adding an additional storey is considered acceptable based on the plans submitted.

The existing block of flats is a building of no architectural merit, built in 1979. The extension to create a fourth storey will be clad in slate with metal flashing, new upvc windows and painted timber balustrading. As with the two floors below each of the three flats will be afforded a private balcony providing 3sqm of amenity space. The existing façade is painted white with painted timber balconies. The Planning Statement sets out that the existing façade will be refurbished including the repainting of the existing balconies.

Meycroft which is a purpose built block of flats which lies opposite the site is four storeys in height and whilst the external materials of the additional storey would be in contrast to those of the lower floors it may be considered that the contemporary style and materials and the refreshing of the existing external façade would improve the overall character and appearance of Oakdene.

Standard of Residential Accommodation

Policy 3.5 of the London Plan (2015) Quality and Design of Housing Developments and the Department for Communities and Local Government (DCLG) Nationally Described space standards 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.

Whilst Policy BE1 in the Adopted UDP states that the development should respect the amenity of occupiers of future occupants.

The addition of a further storey is proposed to accommodate a 2 x 1 bedroom flat and a 1 x 2 bedroom flat. A one bedroom 2 person flat should provide a minimum of 50sqm of habitable floorspace whilst a two bedroom 3 person flat should over one storey should provide a minimum of 61sqm of habitable floor space. Both flats would meet the required floorarea with 2 x 1 bedroom flats providing a GIA of 50sqm and the 1 x 2 bedroom flat a GIA of 61sqm.

In addition, the Mayor's Housing Supplementary Planning Guidance (SPG) (March 2016) provides guidance on the implementation of housing policies in the 2015 London Plan and the 2016 Minor Alterations to the Plan (MALP), replacing the 2012 Housing SPG. The SPG provides guidance on Private Open Space. It was

noted on the site visit that the property benefits from communal grounds around the building whilst each new flat will be afforded a balcony measuring 3sqm

Highways

No objections are raised from the Highways officer subject to conditions in relation to the proposed designated car parking spaces located to the front of the site. The site has moderate/good access to public transport (PTAL 3) with Hayes train station located within 250m and Bourne Way being located on a bus route. Car parking for the three units will be provided on the hardstanding to the front of the building as shown on the submitted plan. The existing 9 flats currently use the adjacent garages for parking, this arrangement will continue.

The agent has confirmed that each of the flats have a garage and the ability to park in front of their garages. The paved area in front of the property is not currently demised for use by existing leaseholders and the existing spaces are used by visitors.

The scheme will also provide cycle parking for the three new flats in accordance with London Plan standards. The cycle racks will be located to the rear of the property, adjacent to the refuse store.

Impact on Neighbouring Residential properties

Policy BE1 seeks to ensure that new development proposals, respect the amenity of occupiers of neighbouring buildings and any future occupiers ensuring that their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing. This is supported by London Plan Policy 7.6.

Several letters of objection have been received regarding the development from existing tenants already living in Oakdene and from neighbouring residents living in the immediate vicinity. Overlooking and a loss of privacy is cited as one of the major concerns.

In total two new windows that serve a kitchen and sitting room would overlook to the rear whilst bedroom 1 to Flat 1 would overlook the rear garden of No.57 & 59 Bourne Way. The bedroom to Flat 3 would look out towards the trees separating No.51 and the occupiers of Flats 31-36 Kemsing Close. The other new windows would serve bathrooms, which can be conditioned to be obscure glazed. The additional floor would overlook the block of purpose built flats opposite (Meycroft), which is also 4 storeys in height and is located more than 30m away across a main road. The existing flats located in Kemsing Close are not through to cause any more overlooking than currently exists from the first and second floors. The flats located on Kemsing Close are located approximately 12m away and a degree of mature trees and landscaping exists between the two.

The first and second floor rear windows & balconies already overlook flats 31 to 36 Kemsing Close and the rear gardens of No.57 and 59 Bourne Way. It is not considered that new windows & balconies in the front & rear elevation would add a

significant degree of overlooking given the oblique angle of the neighbouring developments in relation to No.51 or No.57 & 59 Bourne Way.

One letter of objection makes reference to the fact that parking is a major concern and it is incorrect to say that the needs of current residents are catered for by the garage block. Only 8 of the 9 flats have garages and these are too narrow to fit anything other than a very small car. The communal car park has 5 spaces, which are shown, which are shared on a 'first come first served' basis by current residents and visitors. It is frequently full during the daytime and night time. The proposal to dedicate 3 of the 5 flats to the new flats would leave only 2 shared spaces, which would cause intolerable pressure on the current residents (presumably exacerbated by the needs of any visitors to the flats).

The agent has confirmed that each of the flats have a garage and the ability to park in front of their garages. The paved area in front of the property is not currently demised for use by existing leaseholders and the existing spaces are used by visitors. The Highways officer has raised no objections to the proposal and on the basis that cycle parking is being provided and the new accommodation is located very close to Hayes Train station it may be considered that the occupants of the new flats will use public transport rather than rely on a car.

CIL

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

Conclusion

Having had regard to the above, it is considered that the site characterises, including the relationship to the neighbouring properties could accommodate an additional storey to create three new flats without appearing unduly dominant or out of character with the wider surroundings. The enlarged block of flats will mirror the four storey block of flats which lie on the opposite side of the road and the proposed contemporary materials used to build the additional storey are not considered are not considered to look out of keeping with the overall look or character of the existing flats or wider street scene.

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** While the development hereby permitted is being carried out a suitable hardstanding shall be provided with wash-down facilities for cleaning the wheels of vehicles and any accidental accumulation of mud of the highway caused by such vehicles shall be removed without delay and in no circumstances be left behind at the end of the working day.

Reason: In the interest of pedestrian and vehicular safety and in order to comply with Policy T18 of the Unitary Development Plan.

- 7** The arrangements for storage of refuse (which shall include provision for the storage and collection of recyclable materials) and the means of enclosure shown on the approved drawings shall be completed before any

part of the development hereby permitted is first occupied, and permanently retained thereafter.

Reason: In order to comply with Policy BE1 of the Unitary Development Plan and in order to provide adequate refuse storage facilities in a location which is acceptable from the residential and visual amenity aspects.

- 8 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.

- 9 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.

- 10 Before the development hereby permitted is first occupied the proposed window(s) in the elevation 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 (s) 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

You are further informed that :

- 11 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
- 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