

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

Application No : 18/03206/FULL1

Ward:
Bickley

Address : Pentwood, Woodlands Close, Bickley,
Bromley BR1 2BD

OS Grid Ref: E: 542747 N: 169119

Applicant : Mr Colin Harrison

Objections: YES

Description of Development:

Part one/two storey detached 4 bedroom dwelling with 2 detached carports on land to the rear of The Pentlands fronting Woodlands Close RETROSPECTIVE APPLICATION

Key designations:

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

Proposal

Retrospective planning permission is sought for the erection of a detached part one/two storey 4 bedroom dwelling on land to the rear of The Pentlands which fronts onto Woodlands Close. The proposal includes a vehicular access from Woodlands Close leading to 2 car ports and off street car parking provision.

The dwelling is set back from Woodlands Close to come approximately in line with Oakdene to the west, and its main amenity area is to the eastern side. The dwelling maintains separations of 5.5m to the western boundary with Oakdene, and 8.1m to the eastern boundary with Easdale. The building has a height of 7.3m, width of 16.1m and depth of 10.5m. The car ports have pitched roofs with a height of 3.0m, width of 3.4m and 3.6m respectively and depth of 4.6m. The eastern car port includes a log store to the side.

The application was supported by the following documents:

- Design and Access Statement

Location and Key Constraints

This site lies within Bickley Park Conservation Area, and comprises part of the rear garden of The Pentlands which fronts Woodlands Road. The site measures 0.075ha., and lies at the eastern end of the cul-de-sac known as Woodlands Close. It is bounded to the east by Easdale and to the west by Oakdene, both within Woodlands Close.

The site is designated within the Bickley Park Conservation Area.

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

- Overdevelopment of the site and detrimental impact on the character of the Conservation Area
- Loss of spaciousness and amenity area around the building as a result of the car ports and conservatory.
- Enforcement action should be taken to ensure compliance with originally permitted plans
- Development should be completed as permitted and the current application refused. The applicant has ignored planning conditions and the permitted design and constructed a different development without regard to the previously imposed condition restricting permitted development rights.
- New vehicle access has been provided when previously only a pedestrian access existed.
- The underground parking has been omitted and the applicant has sought consent to replace this with surface parking for 2 cars which the Council declined to permit.
- Proposal also includes elevational alterations and roof changes that should be reconsidered
- The Car Ports are clearly of most concern to neighbours as they are very unsightly in appearance and extend the development right to the flank boundaries. This results in gross overdevelopment of a very small site leaving much of the front garden as driveway in place of the soft landscaping shown in the approved landscaping plan and further reducing the garden area to a size which is totally out of keeping with the surroundings.

Comments from Consultees

Conservation Officer: The site is in a peripheral part of the CA in that it lies within part of the former garden to Pentwood on Woodlands Road but is accessed from Woodlands Close which is outside the CA for the most part. The existing house differs from the approved plans insofar as the basement car park was never implanted, car ports were constructed to either side of the house, a rear conservatory added and elevational changes. Overall the general bulk and scale is same and the house has been completed to a high standard. The main difference therefore is the 2 car ports but I find these to be very modest structures and given the screening around the site I do not find they cause harm to the visual amenities of the Conservation Area. In conclusion, the proposal is in accordance with BE11.

Advisory Panel for Conservation Areas (APCA): Objection. In the original application the underground car park was allowed in order to enable the ground area to be free of clutter. The provision of 2 car ports is contrary to the appeal conditions. The conservatory increases the bulk of the building and is unacceptable. We note that the elevations are not in accordance with the permitted scheme and are significantly less refined.

Environmental Health Pollution Officer: I have looked at this application and would have no objections to permission being granted.

Highways Officer: This is a retrospective application. The building was permitted under the 2013 application. There was an underground garage proposed which was not constructed and 2 ground level car ports have been installed instead. The hardstanding layout on the frontage is also different from the original plans. However, there is parking on the frontage for a number of vehicles and I would have no objection to the application. I assume the previous conditions carry over, H03 is a compliance condition and I think the first surveys have been supplied for H26? The “after” surveys need to be completed in due course.

Drainage Officer: There is no public surface water sewer near the site. Please impose standard conditions.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

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.

London Plan Policies

3.3 Increasing Housing Supply

3.4 Optimising Housing Potential
3.5 Design and Quality of Housing Developments
3.8 Housing Choice
5.1 Climate Change
5.2 Minimising Carbon Dioxide Emissions
5.3 Sustainable Design and Construction
5.13 Sustainable Drainage
6.9 Cycling
6.13 Parking
7.2 An inclusive Environment
7.3 Designing out Crime
7.4 Local Character
7.6 Architecture
7.8 Heritage Assets and Archaeology
7.15 Noise
8.3 Community Infrastructure Levy

Unitary Development Plan

BE1 Design of New Development
BE11 Conservation Areas
H7 Housing Density and Design
H9 Side Space
NE7 Development and Trees
T3 Parking
T18 Road Safety

Emerging Local Plan

Draft Policy 4 – Housing Design
Draft Policy 8 - Side Space
Draft Policy 30 - Parking
Draft Policy 32 – Highways Safety
Draft Policy 37 – General Design of Development
Draft Policy 41 – Conservation Areas
Draft Policy 73 – Development and Trees
Draft Policy 116 – Sustainable Urban Drainage Systems (SUDS)
Draft Policy 123 – Sustainable Design and Construction

Supplementary Planning Guidance

Supplementary Planning Guidance 1 – General Design Principles
Supplementary Planning Guidance 2 – Residential Design Guidance
The Supplementary Planning Guidance for the Bickley Park Conservation Area

Housing: Supplementary Planning Guidance. (March 2016)

Technical Housing Standards - Nationally Described Space Standard (March 2015)

Planning History

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

13/02200/FULL1 - Part one/two storey detached 4 bedroom dwelling with basement garage and ancillary accommodation on land to the rear of The Pentlands fronting Woodlands Close - Permitted

02/03072/FULL1 – Part one/two storey detached four bedroom house with basement garage and access to Woodlands Close – Refused on grounds relating to cramped form of development, inadequate amenity space, and detrimental impact on the Conservation Area and on residential amenity, but it was allowed on appeal in July 2003. The proposals were not implemented within the 5 year time limit, and the permission therefore lapsed.

Considerations

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

- Resubmission
- Principle
- Design
- Highways
- Neighbouring amenity
- Sustainability
- Trees
- CIL
- S106

Resubmission

Following the grant of permission ref. 13/02200, the dwelling constructed at the site differs from the approved plans in that the approved basement level, which included a garage, wine cellar and utility room, along with the access ramp has been omitted from the design and two car ports have been erected, one to either side of the main house with a single access onto Woodlands Close that will split within the site to form two driveways to serve the car parts. The dwelling includes a small rear flat roofed conservatory at the north eastern rear corner of the house that has a height of 2.8m. The design of the main roof has also been altered from the permitted proposal, with a roof section to the western side of the house redesigned to omit a hipped roof section and the change in shape of the dormer on the eastern elevation. Additional rooflights have been provided, with 2 on the rear elevation, one on the front and a repositioning of the approved rooflight on the western elevation. The overall height, footprint and siting of the dwelling remains very similar to the permitted scheme, with the addition of the side car ports and conservatory. Other elevational changes include the removal of the supporting porch posts and an alteration to the chimney design.

Principle

It is considered that the principle of a new dwelling at the site has been established by the planning history, including an allowed appeal ref. 02/03072. In allowing the appeal, the Inspector considered that the small scale of the development in relation to neighbouring properties, its careful siting and the quality of its design would result in a form of development which would preserve the character and appearance of the Conservation Area. He considered that the site was well-screened from neighbouring properties by existing mature trees along the boundaries, and that although the new vehicle access would open up the

frontage to Woodlands Close, the proposed dwelling would still be less visible than other properties in this close.

This view was also taken when subsequent application ref. 13/02200 was granted by the Council at Plans Sub-Committee on the 19th June 2014. It is therefore considered that the principle of a new house is acceptable at the site, subject to design, impact on neighbouring amenity, impact on highway safety and impact on trees.

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.

The NPPF sets out in section 16 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.

Paragraph 196/197 state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area,

to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

Following the grant of application ref. 13/02200, the current proposal adds footprint and bulk to the site by introducing two side car port structures and a rear conservatory. The car ports have a height of 3.0m and each house a single vehicle. The conservatory has a flat roof with a low height matching the eaves height of the house. The roof design of the main house has been altered to remove a small pitched section to the western side of the roof. In design terms, it is not considered that the proposed car ports and roof design alteration detract from the design of the dwelling or create any significant additional impact on the character of the Conservation Area. Whilst the car ports create a bulkier development than previously permitted at the site, these have a low height, are open sided and are sympathetically located, sharing a building line with the main dwelling. Under the 2002 appeal, the Inspector considered that the provision of basement garages would allow the retention of more garden area for the dwelling, however the current design continues to provide both front and rear garden spaces for the occupants. Whilst the car ports would reduce the sense of space to the sides of the main house, the low single storey bulk and sympathetic massing of the car ports and conservatory is not considered to result in a cramped form of development or a detrimental impact on the character or spatial standards of this part of the Bickley Park Conservation Area.

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.

The development is not considered to result in a detrimental impact on highway safety. The development provides suitable access and parking arrangements to serve the new dwelling, and the access onto Woodlands Close has previously been permitted.

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.

With regard to the impact on neighbouring properties, the Inspector considered that the proposed first floor windows, one to the front elevation and one to the east, would not cause any overlooking problems, and that no first floor rear windows would overlook the host dwelling or its rear garden. The Inspector considered that the size of the remaining garden to The Pentlands would be similar to that at the neighbouring property, Caversham, and that the amenity areas to the proposed and host dwellings would be suitable for the size of the houses.

The current proposal does not introduce significant bulk or massing to the building however it does introduce additional first floor windows to the front and rear elevations of the building. The two rear windows additional to the single approved window serve two en-suite bathrooms and are high-level. A condition can be imposed to ensure that these remain obscurely glazed in order to prevent overlooking. The remaining rooflights, including the repositioned western elevation rooflight and new front elevation rooflight are positioned at a high level and do not result in overlooking.

The scale and massing of the main roof has been altered through the design change however the building has not increased in bulk significantly. The scale of the two car ports and rear conservatory is modest and these are not clearly viewable from neighbouring properties.

On balance it is considered that the development would not impact detrimentally on the amenities of neighbouring properties and would comply with Policy BE1 of the Unitary Development Plan and Policy 37 of the Draft Local Plan.

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

In refusing permission for the earlier identical scheme in 2002, the Council did not refer in its grounds for refusal to any detrimental impact of the proposals on important trees on the site, and neither did the Inspector refer to concerns about the impact on trees in his decision to allow the appeal. Conditions were instead imposed requiring measures for protecting the retained trees. On that basis, it would be difficult to substantiate a reason for refusal of the current scheme based on the detrimental impact on trees and the retrospective nature of the development means that no further impact would be likely. The applicant has confirmed that the removal of the basement level is partly due to the impact this would have had on trees

surrounding the development and it is considered that the development would have no further impact in this regard.

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

Having had regard to the above it was considered that the development in the manner proposed is acceptable in that it does not impact detrimentally on the character of the Conservation Area and does not be detrimental to the amenities of adjoining neighbours. No impact on highway safety or trees results from the development.

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 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.

- 2 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

- 3 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.

- 4 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.

- 5 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.

- 6 The windows in the first floor rear elevation serving the en-suite bathrooms shall be permanently maintained with obscure glazing unless otherwise approved 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 amenities of the adjacent properties.

7 The development hereby permitted shall be permanently maintained 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.