

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/03683/FULL1

Ward:
Chislehurst

Address : 83 Victoria Road Chislehurst BR7 6DE **Objections:** Yes

OS Grid Ref: E: 543422 N: 171210

Applicant : Mr Michael McLaughlin

Description of Development:

External alterations to existing building including demolition of single storey extension and erection of two storey side extension, and change of use from Class B1(a) to Class C3 dwellinghouses, to provide 3x two bedroom dwellings with provision of parking space, amenity space, landscaping and bin storage.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 16

Proposal

The proposal seeks to redevelop the existing site through the demolition of the single storey extension and erection of a two storey side extension to facilitate a change of use from Class B1(a) to Class C3 dwellinghouses to provide 3x two bedroom dwellings with provision of parking space, amenity space, landscaping and bin storage.

Location and Key Constraints

The application site currently hosts a two storey office building on the north-western side of the southern end of Victoria Road. The area is predominantly residential in character, aside from the existing offices and some retail units at ground floor level facing onto White Horse Hill.

The site itself is bordered by a semi-detached dwelling to its south-west, three residential dwellings to its north-west (permitted under ref: 15/02784/FULL1) and to its north-east is the redevelopment of The Lounge (ref: 14/04167/FULL3) which consisted of a three storey side and rear extension and conversion of first and second floors to form 8 flats.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and representations were received, which can be summarised as follows:

- Time restrictions on hours of work, including deliveries, should be in place (e.g. 8-4pm as it is a densely residential area.
- Would suggest that fencing around the garden which is currently proposed to face directly into our private car park should be completely opaque to avoid any overlooking.
- Concerns regarding how the single storey section will be demolished without requiring access to land behind and causing serious disruption.

Comments from Consultees

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

Highways: The applicant is changing the size of the dwellings from 2 x one bedroom and 1 x two bedroom flats to 3 x two bedroom with 1 parking space per unit. The site has a low (2) PTAL assessment. There are 3 parking spaces proposed which is acceptable.

Cycle parking needs to be provided in line with the London Plan.

The refuse storage and collection arrangements also need to be agreed.

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
6.9 Cycling
6.13 Parking
7.4 Local Character
7.6 Architecture

Unitary Development Plan

BE1 Design of New Development
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
H12 Conversion of Non-Residential Buildings to Residential Use
T3 Parking
T18 Road Safety
EMP3 Conversion or redevelopment of Offices
EMP5 Development Outside Business Areas

Emerging Local Plan

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side Space
Policy 10 Conversion of Non-Residential Buildings to Residential
Policy 30 Parking
Policy 37 General Design of Development
Policy 83 Non-Designated Employment Land
Policy 86 Office Uses Outside Town Centres (and Office Clusters)

Supplementary Planning Guidance

Mayor's Housing SPG (2012)

SPG 1 - General Design Principles
SPG 2 - Residential Design Guidance

Planning History

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

- o 98/02082/FUL - Alteration to front elevation of former stable block and insertion of roof lights to front roof pitch - Permitted 16.09.1998
- o 18/01211/RESPA - Change of use from Class B1 (a) offices to Class C3 dwellinghouses to form 2x one bedroom and 1x two bedroom flats. (56 day application for prior approval in respect of transport and highways, contamination, flooding and noise impacts under Class O of the General Permitted Development Order). - Granted 15.05.2018

Considerations

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

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

Principle

The NPPF places emphasis on building a strong and competitive economy. Paragraph 20 states that local planning authorities should plan positively to meet the development needs of business and support an economy fit for the 21st century. Paragraph 51 states that Local Planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Policy H12 Conversion of Non-Residential Buildings to Residential Use states that the Council will permit the conversion of genuinely redundant office and other non-residential buildings to residential use. Where such a conversion is proposed the applicant must be able to demonstrate that the premises are genuinely redundant. Conversions are not likely to be acceptable where there continues to be a viable commercial use or a demand for such uses - for example, where the loss of such premises would result in the loss of employment or prevent the creation of new business or employment opportunities.

Policy EMP3 states that the conversion or redevelopment of offices for other uses will be permitted only where it can be demonstrated that there is no local shortage of office floorspace and there is evidence of long term vacancy despite marketing of the premises, and there is no likely loss of employment resulting from the proposal.

Policy EMP5 states that development of business sites outside of designated Business Areas will be permitted provided that:

- (i) the size, configuration, access arrangements or other characteristics make it unsuitable for uses Classes B1, B2 or B8 use, and
- (ii) full and proper marketing of the site confirms the unsuitability and financial non-viability of the site or premises for those uses.

A common requirement of both the current and proposed policies is to demonstrate a clear lack of demand for the continued use of the site for office purposes. To justify the loss of office floorspace on this site, applicants would normally be required to provide clear evidence that all opportunities for re-occupation have been exhausted, including robust marketing of the site, for a sustained period of time prior to the submission of the application and using reasonable terms.

The design and access statement submitted refers to a previous application (18/01211/RESPA) which granted prior approval for the conversion from offices to residential. It is noted that this approval exists, however it has not been implemented and the prior approval application could not be considered against current Council policies with regards to the loss of office space. Therefore limited weight can be given to this existing prior approval, and the proposed development is required to be assessed against the Council's current policies within this application.

In this case the current site provides existing office space which is currently in use. Subsequently no evidence has been provided of long term vacancies or marketing of the premises, and the proposal would lead to the loss of employment. Furthermore it has not been demonstrated that there is no local shortage of office floorspace within the area or that the unit is unsuitable for continued office use.

As such, no evidence has been provided which would justify the loss of the existing office space. Therefore the proposal would result in an unacceptable loss of a viable office, contrary to policies H12, EMP3 and EMP5.

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.

The application site lies adjacent to two recent developments, including at No.1-3 White Horse Hill (ref: 14/04167/FULL3) for the implementation of a three storey side and rear extension, second floor extension incorporating first floor roof terrace; alteration and enlargement of existing roof incorporating side and rear dormers, together with roof terrace; and conversion of first and second floors from office and residential use to eight flats (comprising four 2-bedroom and four 1-bedroom units). The other development lies to the rear of the existing site at No.83, and comprises of the erection of a pair of two storey 3 bedroom semi-detached houses, and one detached 3 bedroom house (ref: 15/02784/FULL1).

The existing two storey part of the dwelling would be retained, with the single storey element replaced with a two storey side extension that would have a width of 8.5m and depth of 6m. The two storey side extension would be sited further forwards than the existing single storey side element, though would be set back approx. 7.4m from the front of the existing two storey part of the building. The roof of the two storey side extension would match the ridge and eaves height of the existing building, resulting in additional bulk to the host building compared to the existing. It's design to include the gabled roof and matching materials would not appear unduly out of character with the host dwelling, though it would contribute to the impact of the building within the streetscene and concerns are raised with regards to Policy H9.

Side Space

Policy H9 normally requires a minimum of 1m to be provided from the flank wall to the flank boundary for developments of two or more storeys. The existing building currently abuts both flank boundaries, and the existing two storey element would be retained so as it would not result in any additional harm. However, the proposed two storey side extension which would abut the north-eastern flank boundary and replace the existing single storey element would be larger in scale than existing and sited further forwards in the plot. It is noted that the site is adjacent to the access road to dwellings to the rear, and this road provides a degree of separation between the application site and the adjacent property which would prevent unrelated terracing from occurring. However, given the increase in scale and forward siting of the extension it would appear as a more cramped development

compared to the existing and would remain contrary to Policy H9, resulting in additional harm to the spatial standards of the area.

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.

Within the amended Mayor's Housing Supplementary Planning Guidance document and the DCLG technical housing standards document it states that for a two bed, one storey unit for 3 persons a floor space of 50sqm is required, for a two bed 4 persons 70sqm. A double bedroom would require a floor area of at least 11.5sqm, and a single bedroom would require 7.5sqm. The proposed rooms sizes and layout of each flat is considered to be acceptable.

Concerns are however raised with regards to the quality of accommodation provided in relation to 'Bedroom 2' which would not benefit from any windows aside from one rooflight. It is not considered that this would provide sufficient outlook to this bedroom and would be harmful to the amenities the potential occupant could reasonably expect to enjoy.

Adequate private amenity space needs to be provided with a minimum of 5sqm of private outdoor space provided for 1-2 person dwellings and an extra 1sqm should be provided for each additional occupant. The development provides private amenity space by way of ground floor garden spaces to the ground floor flat and

two storey mews style dwelling, and a 7.8sqm balcony to the first floor flat. The amenity spaces are considered sufficient to meet sufficient to meet the minimum requirements however concerns are required over the layout and standard of the amenity space provided, with particular concern raised regarding the siting of the first floor flat balcony directly above the ground floor amenity space proposed to the ground floor unit. This would result in the ground floor flat having a low standard of private amenity space given that it would be enclosed on all four sides and have a balcony terrace covering most of the outdoor amenity space.

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 site lies within a low (2) PTAL assessment area. The application proposes 3 x two bedroom flats and would provide 3 parking spaces - 1 per unit. Highways Officers consider this proposed parking to be sufficient and therefore no objections are raised with regards to highways matters.

Highways Officers have also indicated the cycle parking needs to be provided in line with the London Plan. It is anticipated that cycle storage can be provided in the flats or rear garden amenity space as shown on the proposed plans and therefore a condition is not considered necessary to ensure this.

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.

No.81

In terms of the impact upon the adjacent semi-detached dwelling at No.81, the existing two storey element which projects along the shared boundary would

remain as currently built, with the proposed two storey side extension siting behind this when viewed from No.81. It is therefore considered that the proposed development would not result in any additional harm by way of loss of light or outlook to this neighbour.

No windows are proposed to be added within the flank wall of the building, and the rooflights in the flank roofslope are not considered to provide any opportunities for overlooking given their height from floor level. As such, it is not considered the development would result in a loss of privacy to this neighbour.

Properties to the rear

The rear of the site faces onto the front of the new dwellings constructed following permission ref: 15/02784. At present, there is a 12.8m separation distance between the front of these dwellings and the rear of the existing offices. The existing two storey part of the host building would remain, whilst the existing single storey element would be replaced with a two storey side extension. Whilst this side extension would increase the height and bulk of the building, it would be set approx. 5.4m further from the rear boundary than the existing single storey element and remaining two storey element. As such, it is considered that the proposed development would not result in any significant harm by way of loss of light or outlook above that which already exists.

The main concern regarding the impact on these properties is likely to be regarding overlooking given the distance between the properties. The remaining two storey element of the building would retain two windows in the rear elevation which face towards the neighbouring property. These currently serve an office, though would both serve bedrooms to the proposed flats. The two storey side extension would include an obscure glazed window at first floor level, whilst the proposed boundary wall would prevent any additional overlooking from the windows at ground floor level. On balance it is therefore considered that the proposed development would not result in any significant overlooking above that which already exists.

The application also includes the addition of a balcony to the rear to provide amenity space to the upper floor flat. If permission were forthcoming a condition would be recommended to seek details of screening in order to ensure that the balcony would not provide opportunities for overlooking to nearby residents.

Redevelopment of the Lounge

The proposal would be separated from the redevelopment of 1-3 White Horse Hill by the access road to the properties to its rear, and this would mitigate the impact of the enlarged building in terms of loss of light and outlook.

The flatted development at No. 1-3 includes a number of windows serving bedrooms and living rooms at first and second floor levels which face directly towards the application site. The proposed development would not include any windows in this flank elevation facing No.1-3 White Horse Hill, though would include a set of doors serving a balcony at first floor level to the first floor flat. On

balance, given the separation distance from this balcony to the adjacent development it is not considered an unacceptable level of overlooking would occur.

Sustainability

The NPPF requires Local Planning Authorities to adopt proactive strategies to mitigate and adapt to climate change. London Plan and Draft Local Plan Policies advocate the need for sustainable development. All new development should address climate change and reduce carbon emissions.

Policy 5.3 Sustainable Design and Construction of the London Plan states that the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime. Policy 5.2 Minimising Carbon Dioxide Emissions of the London Plan states that development should make the fullest contribution to minimising carbon dioxide emissions in accordance with the hierarchy; Be Lean: use less energy; Be clean: supply energy efficiently and Be green: use renewable energy.

CIL

The Mayor of London's CIL is a material consideration. CIL is payable on this application and the applicant has completed the relevant form.

Conclusion

Having had regard to the above, it is considered that the development in the manner proposed is unacceptable as it would result in an unacceptable loss of office space with no evidence submitted to justify its loss. Furthermore, it is considered that the development would impact detrimentally on the spatial standards of the area and would not provide an acceptable standard of residential accommodation for future occupiers.

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: APPLICATION BE REFUSED

The reasons for refusal are:

- 1 The proposal would result in the loss of the ground floor office use and no evidence has been submitted to justify the loss of the commercial use in this location, thereby the proposal is contrary to Policies H12, EMP3 and EMP5 of the Unitary Development Plan, and Policies 10, 83, 86 of the Emerging Local Plan.**
- 2 The proposal does not comply with the Council's requirement for a minimum 1 metre side space to be maintained to the flank boundary in**

respect of two-storey development in the absence of which the extension would constitute a cramped form of development, out of character with the street scene, conducive to a retrograde lowering of the spatial standards to which the area is at present developed and contrary to Policy H9 of the Unitary Development Plan, and Policy 8 of the Emerging Local Plan.

- 3 The proposed development would allow for a poor standard of residential accommodation for future owner occupiers resulting from a lack of adequate outdoor amenity space and poor outlook from habitable bedrooms contrary to Policy 3.5 Quality and Design of Housing Developments of the London Plan (2015) and Policies BE1 and H7 of the Unitary Development Plan, and Policies 4 and 37 of the Emerging Local Plan.**