

## **SECTION '2' – Applications meriting special consideration**

**Application No :** 18/04589/FULL1

**Ward:**  
**Chislehurst**

**Address :** Jason Yester Road Chislehurst BR7  
5HN

**Objections: Yes**

**OS Grid Ref: E: 542590 N: 170254**

**Applicant :** Mr Justin Laurence

### **Description of Development:**

Demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space (RETROSPECTIVE APPLICATION)

Key designations:

Conservation Area: Chislehurst  
Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Sites of Interest for Nat. Conservation  
Smoke Control SCA 16

### **Proposal**

Permission is sought to demolish the existing bungalow at the site and construct two semi-detached dwellings. Each four bedroom house is three storeys in height with accommodation in the roof space with front and rear dormer extensions. Each dwelling has a private rear garden, private driveways and associated car parking and shared access utilising the existing vehicular access onto Yester Road.

Following the grant of planning permission ref. 17/03264 for a similar development at Plans Sub-Committee on 9<sup>th</sup> November 2017, the current proposal differs from the permitted design with the introduction of attached side cycle stores to each dwelling along with elevational alterations to include the removal of the stone band at first floor level and alterations to the fenestration on the side elevations of the house. The front door to Plot 2 is also relocated to the side of the building.

The roof shape has been altered to increase the angle of the roof pitch from 45 degrees to 65 degrees and the front and rear roof slopes have been set further back from the front and rear walls respectively in order to reduce the roof bulk and dormer protrusions.

The dwellings are staggered on the plot, each house having a length of 17m and a width of 8.5m. The roof is pitched with a maximum height of 12.2m.

The application is retrospective as the dwellings previously permitted have been substantially constructed to include the roof alterations hereby proposed..

The application includes a Flood Risk Assessment, Stage 1 and 2 Road Safety Audit and Arboricultural Implications Report.

## **Location**

The application site is located to the northern edge of Yester Road and is situated opposite the junction with Lubbock Road to the south with the railway bridge immediately to the west. The site currently features a single storey detached dwelling. Yester Road is characterised by large detached dwellings of various designs and styles, with the topography being that of a long, moderately steep hill to the east and Lubbock Road increasing up hill to the south.

Southill Road is to the east of the site and the properties to the western edge of this adjoin the eastern and northern boundaries of the site.

## **Comments from Local Residents**

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

Objections:

1. The documents posted as part of this application differ in only minutely small ways from the previous application and hence the objections thereto are valid here. For example, moving back the dormer windows a very short distance plays no heed of the objections made against the scheme and is a fig leaf over the defects in the scheme.

The scheme is referred to as a 3 storey pair of semidetached dwellings with roof accommodation. This is a euphemism for a full 4 storey pair of substantial town houses, which is what it is. The use of the term 3 storey has the tendency to mislead in this circumstance and seeks by sleight of hand to minimise the real impact of the scheme.

Application of UDP and SPG policies

With reference to the UDP, the following are of concern relating to the development:

Under Policy H1

The suitability of windfall sites for housing purposes will be assessed against the following criteria

(x) the capacity of existing or potential infrastructure to accommodate additional dwellings;

(xi) physical and environmental constraints on development of the site;

As has been noted , the existing drainage infrastructure, among others, has been seen to be lacking.

Under Policy H9

When considering applications for new residential development, including extensions, the Council will normally require the following:

(i) for a proposal of two or more storeys in height, a minimum 1 metre space from the side boundary of the site should be retained for the full height and length of the flank wall of the building; or

(ii) where higher standards of separation already exist within residential areas, proposals will be expected to provide a more generous side space. This will be the case on some corner properties.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring

It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas

The proposed development does not appear to respect H9 (ii) in its design and payout and 4.48 appears to be breached also. Similar terms of SPG2 "Amenity" appear to have been breached by the proposals.

New development should help people appreciate where they are both within the site and in relation to the adjacent streets and wider neighbourhood. Distinctiveness of form, treatment and detailing of buildings should be considered. Landmark features, details and materials can provide attractive references for users, aid legibility and create a unique and individual character for the development.

I submit that the proposed designs have no relationship with the remainder of the neighbouring properties and thus breach this Policy.

2. Visual and other amenity:

The frontage of the plot will be too crowded and cramped, if numerous dwellings within over-height semidetached buildings are allowed to replace the current building (even retrospectively). UDP Supplementary Planning Guidelines No 1, (General Design Guidelines), it clearly states that 'new developments should ensure that there is continuity of built form and street frontages'. The proposed over development of the site will not meet this UDP requirement.

SPG No 2, Residential Design Guidance, requires that 'new developments should respect the character and appearance of the site, its immediate neighbours and the wider street scene.' Again, the size, massing, design and materials of the proposed development fail this requirement.

Further, UDP - SPG2 - has it that 'If a new proposal is to be successful ... it must respect the character of its locality' ; and 'The appearance of the proposed development and its relationship with its surroundings are both material considerations in determining planning application.'

The demolition of the existing buildings and the construction of the replacement (without planning consent, I believe) will entail significant tree loss with consequent negative impact on the visual amenity of the area.

### 3. Overlooking/loss of privacy:

The windows and balconies will overlook the bedrooms of the homes adjacent

### 4. Adequacy of parking/loading/turning:

4.1. the doubling in the number of dwellings will lead to a large increase in the amount of vehicles wishing to access the site, yet the space made over to access and parking on the sites is reduced and inadequate. More space needs to be made over to parking on the development site and the number of dwellings commensurately reduced to keep the status quo.

4.2. the parking spacing as shown in the diagrams seems to be wildly optimistic unless cars "2/3 size" from normal cars are envisaged as being owned by occupiers

### 5. Highway safety:

The massive increase in dwellings is likely to double the amount of vehicle movements on an already cramped site on a blind bend. The means of ingress and egress by vehicles to the proposed buildings needs to be redesigned to ensure the safety of pedestrians, cyclists, motorcyclists and other road users.

### 6. Traffic generation:

6.1. The increase in dwellings is likely to double the amount of traffic which is not beneficial to the community at large.

## 7. Layout and density of building:

7.1. The doubling of the number of houses will substantially increase the built density prevailing on in the locality and will therefore change its character negatively and irretrievably.

## 8. Site difficulties

The site is located on a bind bend adjacent to a tunnel next to the Kyd Brook/River Quaggy. Despite the assurances of the report by Unda, the use of soakaways for the increased built area will lead to further drainage issues in the immediate area, if there is not any enlargement of the drain capacity.

It is to be remembered that the site is built over part of the Chislehurst Cave system, and is adjacent to quarry and railway construction and therefore has structural issues to be addressed and may possibly be contaminated historically.

## 9. Design, appearance and materials:

The proposed designs are clearly out of scale with the surrounding homes. Further, they are out of character with the surrounding pattern of development

The designs as built are bulky and have an overly imposing massing effect, crowding the area and hemming the existing layout of homes unduly. I respectfully request that the application be rejected totally and enforcement action taken.

## **Comments from Consultees**

Highways Officer: As the accommodation within the roof space is the same as the previous applications and the current proposal simply alters the roof profile so I would have no objection to the application.

Drainage Officer: I'll be happy for the already approved strategy to include three Acco Channels, Three soakaways and permeable paving to be implemented. Otherwise, the submitted FRA has not adequately assessed as how to manage surface water run-off from the site and the measures for restricting discharge rates.

Network Rail – no objections were raised to the previous applications subject to the development being undertaken without encroachment onto or damage to Network Rail land and infrastructure.

Conservation Officer: The proposed amendments to the side would have no impact on the CA so the main consideration is the impact of the change to the roof. The approved scheme in 2017 had a roughly 45 degree pitch and the proposal now is for a pitch of 65 degrees. This would marginally increase its prominence but it would still be legible as a roof and given the relative isolation of the site I do not

believe that this would amount to harm that was not present in the 2017 plans. On balance I find the proposal would preserve the character and appearance of the area.

The Advisory Panel for Conservation Areas (APCA): No objection raised to the previous application.

Tree Officer – no comments made.

Environment Agency: No comments made.

Environmental Health (Pollution) Officer: No comments made.

### **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 24<sup>th</sup> 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 4<sup>th</sup> 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

- 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
- 7.4 Local Character
- 7.6 Architecture

### Unitary Development Plan

- Policy BE1 – Design of New Development
- Policy BE11 – Conservation Areas
- Policy BE14 – Trees in Conservation Areas
- Policy H7 – Housing Density and Design
- Policy H9 – Side Space
- Policy NE7 – Development and Trees
- Policy T3 – Parking
- Policy T18 Road Safety

### Draft Local Plan

- Draft Policy 1 – Housing Supply
- 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

### Additional Guidance

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

Housing: Supplementary Planning Guidance. (March 2016)

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

## **Planning History**

Planning permission was refused under ref. 18/03409 for demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space (RETROSPECTIVE). The refusal grounds were as follows:

‘The proposed development by reason of its scale, mass, bulk and design in a prominent location would appear unbalanced and harmful to the visual amenities of the Conservation Area contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan.

The proximity of the proposed development to neighbouring properties and its size and height would lead to an unacceptably harmful relationship detrimental to amenities of neighbouring properties contrary to Policies BE1 and H7 of the Unitary Development Plan (2006).’

Planning permission was granted under ref. 17/03264 for demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space.

Planning permission was refused under ref. 17/03427 for demolition of existing bungalow and erection of a three storey pair of semi-detached dwellings with accommodation in roof space. The refusal grounds were as follows:

‘The proposed development is considered to result in an overall overdevelopment of the site, harmful to the character of the wider street scene contrary to Policies BE1, BE11 and H8 of the Unitary Development Plan, the Council's Supplementary Guidance 1 and 2 and Draft Local Plan Policies 6 and 37.’

Planning permission was granted under ref. 17/00988 for extensions to existing bungalow to form two semi-detached three storey dwellings with accommodation in roof space

Application ref. 13/03112 for the demolition of the existing dwelling and the erection of a three storey block of 6 flats was refused (together with the associated conservation area consent on the grounds that there would not be suitable replacement) on the grounds that:

"The proposal constitutes a cramped form of development by reason of its scale and design, resulting in an overdevelopment of the site, contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal, by reason of its scale and design, fails to integrate into and respect the setting of its surroundings and is detrimental to the prevailing character of the Chislehurst Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal would, by reason of its scale, mass, bulk and design, result in a detrimental impact upon the visual amenity and prospect which neighbouring residents might reasonably expect to be able to continue to enjoy, contrary to Policy BE1 and H7 of the Unitary Development Plan."

"The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan."

A subsequent appeal was dismissed, however the Inspector's reasons and comments in reaching this decision are material to the current proposal.

In summary, the Inspector concluded that on grounds 1, 2 and 3 the development was acceptable and dismissed the appeal on ground 4 - highway implications. The Inspector stated:

"Notwithstanding that the character and appearance of the Conservation Area would be preserved, and that the development would result in less than substantial harm to the Conservation Area as an heritage asset, or my findings in relation to the effect on the living conditions of the neighbouring occupiers, and the effect on highway safety of the proposed off street parking provision, the material harm identified to highway safety from the inadequacies of the sight lines of the proposed access arrangements is substantial and overriding. It significantly and demonstrably outweighs the limited benefits of a very marginal increase in the supply of housing in the area."

A subsequent application, reference 12/01812, for a three storey block of 1 three bedroom and 6 two bedroom flats with accommodation within the roofspace and associated parking and landscaping was refused on the grounds that:

"The proposal constitutes a cramped form of development by reason of its scale and design, resulting in an overdevelopment use of the site, contrary to Policies BE1 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal, by reason of its scale and design, fails to integrate into and respect the setting of its surroundings and is detrimental to the prevailing

character of the Chislehurst Conservation Area, contrary to Policies BE1, BE11 and H7 of the Unitary Development Plan, Policy 3.4 of the London Plan and the National Planning Policy Framework."

"The proposal would, by reason of its scale, mass, bulk and design, result in a detrimental impact upon the visual amenity and prospect which neighbouring residents might reasonably expect to be able to continue to enjoy, contrary to Policy BE1 and H7 of the Unitary Development Plan."

"The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan."

An associated Conservation Area Consent for the demolition of the existing dwelling was refused on the grounds that:

"In the absence of a planning permission for a suitable replacement building, it would be premature to grant consent for the demolition of the existing building, thereby contrary to Policy BE12 of the Unitary Development Plan."

These decisions were dismissed at the same appeal as the application above (13/03112) and for the same reasons, namely highway safety.

Permission was refused by Members under 13/04033 for demolition of existing dwelling and erection of a three storey 8 bedroom detached dwelling with accommodation within the roofspace and associated landscaping, despite a positive recommendation.

This application was refused on the following grounds:

'The proposed means of access to the site would be inadequate to meet the needs of the development in respect of provision of adequate visibility as such the proposal would be prejudicial to highway safety and contrary to Policy T18 of the Unitary Development Plan; and

The proposed development would give rise to an unacceptable degree of overlooking and loss of privacy to the occupiers of the adjoining residential dwellings thereby contrary to Policy BE1 of the Unitary Development Plan.'

This decision was allowed on appeal.

A follow up application was received for major extensions to 'Jason' which was visually different to those as previously submitted and proposed a lower ridge and smaller building size. Application 15/01844/FULL6 - Two storey front extension, first floor extension to dwelling with balcony and terrace areas to rear, and front and rear dormer extensions within enlarged roof, was approved subject to conditions.

## Considerations

The main issues relating to the application are

- Resubmission
- Principle of Development
- Design and Conservation Area
- Standard of Accommodation
- Neighbouring amenity
- Parking and highway safety
- Other matters

### Resubmission

Following the grant of planning permission ref. 17/03264 for a similar development at Plans Sub-Committee on 9<sup>th</sup> November 2017, the current proposal differs from the permitted design with the introduction of attached side cycle stores to each dwelling along with elevational alterations to include the removal of the stone band at first floor level and alterations to the fenestration on the side elevations of the house. The angle of the roof shape to the front and rear has also been increased from 45 degrees to 65 degrees and the front and rear roof slopes have been set further back from the front and rear walls respectively in order to reduce the roof bulk and dormer protrusions. The front door to Plot 2 is also relocated to the side of the building with an access stairway and side gates.

Planning permission was refused under ref. 18/03409 for a roof angle of 70 degrees without the roof profile set back that is currently proposed.

### Principle of Development

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. The document also encourages the effective use of land by reusing land that has been previously developed (brownfield land) and excludes gardens from the definition of previously developed land.

Policy H7 of the UDP sets out criteria to assess whether new housing developments 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.

The site is located in a residential location where the Council will consider infill development 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. 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 dwelling unit on this land is subject to an assessment of the impact of the proposal on the appearance/character of the surrounding conservation 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. Indeed, the principle of the development of the site has been established under the recent planning history.

### Design and Conservation Area

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 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.

The Inspector's decision in considering the appeal for 13/04033 is a significant material consideration in the determination of any future proposal and indeed the grant of permission under ref. 17/03264 was considered with this in mind. The scheme allowed at Appeal under 13/04033 was for a three storey replacement dwelling with roofspace accommodation and front and rear dormer extensions. The impact of the scheme upon the character of the Conservation Area and the amenities of neighbouring residents was considered by the Inspector to be acceptable, and would preserve the character and appearance of the Chislehurst Conservation Area.

Application ref. 17/03264 proposed two dwellings on the site, whereas those schemes as previously considered at appeal were for one dwelling with subsequent approved applications also for one dwelling only. Whilst there is limited evidence of semi-detached properties within the street scene, the plot was considered to read as stand-alone in character, set away from other residential form when viewed from the highway and obscured by vegetation to the side and rear boundaries. As a result, the principle of providing two semi-detached properties on the site was considered to be acceptable by Members.

In terms of the building currently proposed, the massing, scale and design of the built form is similar to that as approved within the previous application, being of 3 storey construction with roof accommodation and of approximately 17m in width and depth. The current proposal has increased the roof bulk by steepening the angle of the front and rear roof slopes from 45 degrees to 65 degrees. When

considering the previous Inspector's comments regarding the overall bulk, scale and massing of the development, the scheme proposed is considered to be acceptable in this regard and closely matches that previously permitted by Members. Whilst Members refused the previous application ref. 18/03409 on the basis of a harmful impact on the character of the Conservation Area, the overall design is considered to be similar and the reduction in roof bulk from a 70 degree angle to a 65 degree angle along with the reduction in dormer size is considered to reduce the roof bulk and Members may therefore consider this to be acceptable in light of the planning history.

The design retains a traditional style based on classical proportions and using natural materials. The proposed single storey side cycle stores will be set back significantly from the building line and will be constructed with access from proposed front gates to either side of the pair of semi-detached dwellings, which have now been substantially constructed. The cycle stores are considered to be modest in bulk and will not compete with the architecture of the building as the previously refused proposal under ref. 17/03427 (which included larger side extensions to the houses) was considered to. The proposed front door for Plot 2 is relocated to the side elevation of the building and this is not considered to compete with the proportions and style of the dwellings. This is not considered to impact negatively in terms of design and appearance and it is considered that the proposal would therefore respect the character of the Conservation Area.

The submitted sectional drawings indicate the removal of land to the rear of the proposed footprint in order to accommodate the dwellings, resulting in the ground floor of each house not being sunken into the ground. The appearance of a three storey dwelling is therefore similar for both the front and rear elevational view and this has previously been considered to be acceptable.

Car parking is provided to the front elevation of the properties within a communal area. The extent of the hardstanding is substantial, however a generous area of soft landscaping is proposed, particularly close to the highway to soften the appearance of the parking 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.

Table 3.3 of the London Plan requires a Gross Internal Area of 130sqm for a four bedroom dwelling. These space standards have been met and the submitted sectional drawings indicate a suitable head height for each floor. The shape, size and layout of the rooms in the proposed building are considered satisfactory. All habitable rooms would have satisfactory levels of light and outlook. The size and scale of the private amenity space are considered to be acceptable.

### 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.

The Inspector previously found that the impact upon neighbouring amenity was acceptable given that there is a significant degree of vegetation along the property boundaries of the application site which currently affords a high level of screening and protects the privacy of neighbouring properties. In addition, No. 3a Southill Road is set up on a land level much higher than the application site and the development will not result in the possibility of direct overlooking as the land levels and vegetation screening will continue to protect the privacy and amenities of the residents of neighbouring properties and the future occupiers of 'Jason' itself. The introduction of the additional bulk proposed to the sides of each dwelling would be minor and would not create any further issues of overshadowing, loss of light or visual impact for neighbouring properties.

Whilst this is a material consideration, it is noted that the footprint of the properties under ref. 17/03264 extended further to the rear and closer to the boundary with Nos. 3 and 3a Southill Road than that which was previously considered. Despite this, the separation to these neighbouring dwellings was considered acceptable by Members. Under ref. 18/03409, Members considered the building to result in a harmful impact on neighbouring amenities by reason of its bulk and siting in close proximity to neighbouring houses, however the siting and height of the structure

has not altered from the recently permitted scheme. In addition, it is considered that the rearrangement and removal of windows at the upper floor levels on the flank elevations of the building would not create a further degree of overlooking or loss of privacy, in fact the opposite. The proposed front and rear roof dormers and other fenestration will remain as previously permitted and therefore would not introduce further opportunity for overlooking or loss of privacy.

The trees within the site largely prevent inter-visibility between the site and the neighbouring dwellings. Whilst the development encroaches into the canopy spread of the tree closest to the boundary, this tree is to be retained and the Arboricultural Officer has previously commented that the development would not impact on this tree subject to safeguarding conditions. The retention of the high level planting is considered pertinent to the protection of current living conditions of neighbouring properties and therefore conditions are recommended to protect them.

The floor plans submitted as part of the application indicate that the flank windows would serve non-habitable rooms, therefore these could be obscurely glazed by way of condition in order to protect the amenities of neighbouring properties.

### Parking and Highway Safety

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.

Yester Road is a classified road, a local distributor and although the site is within walking distance of Elmstead Woods station it is within a low (2) PTAL area.

The proposed site plan shows a shared centralised access way with parking located around a joint forecourt area. A pedestrian access is also provided adjacent to the railway bridge and to the north-east of the site. The proposed car parking area is considered to be acceptable, with an access which is wide enough for two cars to pass one another. No objections are raised in principle from a

highway safety perspective and the parking and access arrangements remain as permitted under ref. 17/03264.

### Other Matters

The site is located adjacent to the railway and Network Rail has raised no objections. The site is also located within Flood Zone 2 and the submitted Flood Risk Assessment has been referred to the Environment Agency. The details of the submitted Flood Risk Assessment are considered to be acceptable by the Council and it is concluded that the risk of flooding is low. A suitable condition can be imposed to ensure appropriate measures are taken.

### 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 was considered that the development in the manner proposed is acceptable in that it would not impact detrimentally on the character of the Conservation Area and would not be detrimental to the amenities of adjoining neighbours. No impact on highway safety or would result and the standard of accommodation for future occupants is considered to be acceptable.

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**

**and the following conditions:**

- 1 The approved landscaping scheme approved under ref. 17/00988 shall be implemented in the first planting season following the first occupation of the buildings or the substantial completion of the development, whichever is the sooner. Any trees or plants which within a period of 5 years from the substantial completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species to those originally planted.**

**Reason: In order to comply with Policy BE1 of the Unitary Development Plan and to secure a visually satisfactory setting for the development.**

- 2 The boundary enclosures approved shall be permanently maintained unless otherwise 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 visual amenity and the amenities of adjacent properties.**

- 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 The turning area(s) hereby approved shall be provided before any part of the development is first occupied and shall be permanently retained thereafter.**

**Reason: In order to comply with Policies T3 and T18 of the Unitary Development Plan and to enable vehicles to enter and leave the site in a forward direction, in the interest of pedestrian and vehicular safety.**

- 5 No wall, fence or hedge on the front boundary or on the first 2.5 metres of the flank boundaries shall exceed 0.6m in height, and these means of enclosure shall be permanently retained as such.**

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

- 6 Before any part of the development hereby permitted is first occupied that part of a sight line of 43m x 2.4m x 43m which can be accommodated within the site shall be provided in both directions at the junction with Yester Road and with the exception of trees selected by or the Local Planning Authority no obstruction to visibility shall exceed 0.6m in height in advance of this sight line, which shall be permanently retained as such.**

**Reason: In order to comply with Policy T18 of the Unitary Development Plan and to ensure that the proposal does not prejudice the free flow of traffic and conditions of general safety along the adjoining highway.**

- 7 Before the access hereby permitted is first used by vehicles, it shall be provided with 3.3m x 2.4m x 3.3m visibility splays and there shall be no obstruction to visibility in excess of 0.6m in height within these splays except for trees selected by the Local Planning Authority, and which shall be permanently retained thereafter.**

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

- 8 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.**

- 9** 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.

- 10** Before any part of the development hereby permitted is first occupied, bicycle parking for 2 cycles per unit (including covered storage facilities where appropriate) shall be provided at the site in accordance with details hereby approved, 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.

- 11** 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.

- 12** Details of flood prevention and mitigation measures shall be implemented as set out in the Flood Risk Assessment submitted under the application hereby permitted and shall be permanently maintained thereafter.

**Reason:** In order to comply with Policy 5.12 of the London Plan and in order to minimise flood risk.

- 13** The development hereby permitted shall be built in accordance with the criteria set out in Building Regulations M4(2) 'accessible and adaptable dwellings' and shall be permanently retained thereafter.

**Reason:** To comply with Policy 3.8 of the London Plan 2015 and the Mayors Housing Supplementary Planning Guidance 2016 and to

ensure that the development provides a high standard of accommodation in the interests of the amenities of future occupants.

- 14** No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

**Reason:** In order to comply with Policy T18 of the Unitary Development Plan and in the interests of highway safety.

- 15** a) The building shall be designed so as to provide sound insulation against external noise and vibration, to achieve levels not exceeding 30dB LAeq (night) and 45dB LAm<sub>ax</sub> (measured with F time weighting) for bedrooms, 35dB LAeq (day) for other habitable rooms, with window shut and other means of ventilation provided. External amenity areas shall be designed to achieve levels not exceeding 55 dB LAeq (day) and the evaluation of human exposure to vibration within the building shall not exceed the Vibration dose values criteria 'Low probability of adverse comment' as defined BS6472.

(b) Development shall not commence until details of a sound insulation scheme complying with paragraph (a) of this condition have been submitted to an approved in writing by the local planning authority.

(c) The development shall not be occupied until the sound insulation scheme approved pursuant to paragraph (b) has been implemented in its entirety. Thereafter, the sound insulation scheme shall be maintained in perpetuity in accordance with the approved details.

**Reason:** In order to comply with Policy BE1 of the Unitary Development Plan and in the interest of the amenity of the area.

You are further informed that :

- 1** The applicant is advised that any works associated with the implementation of this permission (including the demolition of any existing buildings or structures) will constitute commencement of development. Further, all pre commencement conditions attached to this permission must be discharged, by way of a written approval in the form of an application to the Planning Authority, before any such works of demolition take place.

- 2** 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](http://www.bromley.gov.uk/CIL)

- 3** Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Water's pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 4** You are advised to contact Network Rail Asset Protection Kent prior to the commencement of any works at the site in order to ensure all operations at the site are carried out without damage to or encroachment onto Network Rail land.

- 5** Any repositioning, alteration and/ or adjustment to street furniture or Statutory Undertaker's apparatus, considered necessary and practical to help with the modification of vehicular crossover hereby permitted, shall be undertaken at the cost of the applicant.

- 6.** Before works commence, the Applicant is advised to contact the Pollution Team of Environmental Health & Trading Standards regarding compliance with the Control of Pollution Act 1974 and/or the Environmental Protection Act 1990. The Applicant should also ensure compliance with the Control of Pollution and Noise from Demolition and Construction Sites Code of Practice 2008 which is available on the Bromley web site.

If during the works on site any suspected contamination is encountered, Environmental Health should be contacted

**immediately. The contamination shall be fully assessed and an appropriate remediation scheme submitted to the Local Authority for approval in writing.**