

SECTION '2' – Applications meriting special consideration

Application No : 18/04733/FULL1

Ward:
Hayes And Coney Hall

Address : 41 Mounthurst Road Hayes Bromley
BR2 7PG

Objections: Yes

OS Grid Ref: E: 539845 N: 166743

Applicant : Mr Graham Burrows

Description of Development:

Proposed two bedroom house on land adjacent to 41 Mounthurst Road, Hayes, Bromley, Kent, BR2 7PG

Key designations:

Smoke Control SCA 51

Proposal

The application seeks consent for the construction of a detached house on land adjacent to 41 Mounthurst Road and associated parking to the front.

Location and Key Constraints

The application site forms the side garden land and garage area adjacent to Number 41 Mounthurst Road. The site is located closed to the junction with Boughton Avenue. The surrounding area is residential in character and comprises semi-detached and terrace properties.

Comments from Local Residents and Groups

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

- Main concern is the distance the house will project forward of Number 39. Drawings suggest 1.25m. This is further than any houses on the road and concern this will obstruct light reaching the property as it is north facing. Light travels around the house most of the day. Could this be brought in line with Number 39.
- All other elements are fine. The height, the 3.75m gap between side return and proposed build. Wouldn't want it built any further back as this would block light to side return window.

Comments from Consultees

Drainage Engineer: No comments received in respect of this application but the comments received in respect of the previous scheme are still considered relevant. No objections were raised to that scheme subject to surface water drainage conditions.

Highways: The site is located to the north of Mounthurst Road. Also the development is in an area with PTAL rate of 1b on a scale of 0 - 6b, where 6b is the most accessible.

Vehicular access- from Mounthurst Road via a modified vehicular crossover leading to car parking area; this is satisfactory.

Car parking- Three car parking spaces are indicated on the submitted plan; two for the donor and 1 for the proposed which is acceptable.

Cycle parking - London Plan should be adhered to; 2 secure spaces are required.

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

CONDITION

OC03 (Car Parking)
AG11 (Cycle)
PC17 (Construction Management Plan)
AG24 (Highway Drainage)

Non Standard Condition- No loose materials shall be used for surfacing of the parking and turning area hereby permitted.

INFORMATIVE

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

Waste Services: No comments received.

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.

Policy 3.3 Increasing Housing Supply.

Policy 3.4 Optimising Housing Potential

Policy 3.5 Quality and design of housing developments

Policy 3.8 Housing choice

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.10 Urban greening

Policy 5.11 Green roofs and development site environs

Policy 5.12 Flood risk management

Policy 5.13 Sustainable drainage

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 7.15 Reducing and Managing Noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes

Policy 7.19 Biodiversity and Access to Nature

Policy 7.21 Trees and Woodlands

Policy 8.3 Community infrastructure levy

Unitary Development Plan

BE1 Design of New Development

BE7 Railings, Boundary Walls and Other Means of Enclosure
H1 Housing Supply
H7 Housing Density and Design
H9 Side Space
7 Trees and Development
T3 Parking
T7 Cyclists
T18 Road Safety

Emerging Local Plan

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side Space
Policy 30 Parking
Policy 32 Road Safety
Policy 37 General Design of Development
Policy 73 Development and Trees
Policy 116 Sustainable Urban Drainage
Policy 119 Noise Pollution
Policy 123 Sustainable Design and Construction

Supplementary Planning Guidance

Housing: Supplementary Planning Guidance. (2015)

SPG No.1 - General Design Principles
SPG No.2 - Residential Design Guidance

DCLG: Technical Housing Standards (2015)

Planning History

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

18/02599/FULL1 - The construction of a two-bedroom house on land adjacent to 41 Mounthurst Road with parking to the front. Refused for the following reasons:

1. The proposed development, as a consequence of its design, layout and restrictive size of the site, would result in a cramped form of development which would be out of keeping with the prevailing pattern of residential development and spatial characteristics of the locality, being discordant within the streetscene and unacceptably harmful to the character and appearance of the area. As such it would conflict with Policies H7, H9 and BE1 of the London Borough of Bromley Unitary Development Plan July 2006, Policies 3.5 and 7.4 of the London Plan March 2016; Policies 4, 8 & 37 of the Local Plan (Submission Version 2017) & Supplementary Planning Guidance No 1 General Design Principles, and Supplementary Planning Guidance No 2 Residential Design.

2. The proposed dwelling, by reason its inadequate unit size and small bedrooms would result a cramped and sub-standard form of accommodation harmful to the residential amenities of future occupiers contrary to Policy 3.5 of the London Plan (2016); Policies BE1 & H7 of the Unitary Development Plan (2006); Housing SPG; The Nationally Described Housing Standards (2015) and Policies 4 & 37 of the Emerging Local Plan (2017).

Considerations

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

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

Consideration should also be given to the previous reasons for refusal.

Principle

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 situated within a residential location and the Council will consider new residential 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 principle of an additional dwelling is 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, traffic implications and refuses arrangements.

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.

Policy BE1 and the Council's Supplementary design guidance seek to ensure that new development, are of a high quality design that respects the scale and form of the host dwelling and are compatible with surrounding development. This includes consideration of gaps between dwellings, when they contribute to the character of the area.

Policy H9 requires new residential development, including extensions to retain a 1m space from the side boundary for the full height and length of the flank wall of the development.

Bromley's Supplementary Planning Guidance No. 2 (Residential Design Guidance) also states "local context is of particular importance when adding new buildings to established areas. Building lines, spaces between buildings, means of enclosure and the use and location of garden or amenity space should all respect the character of the locality". Furthermore, the National Planning Policy Framework (NPPF) indicates that private gardens no longer fall within the definition of previously developed land. This strengthens the case for case for resisting development of residential gardens where it has adverse impacts on the character and appearance of the area.

The application site forms in part of the side garden land and garage area of the existing dwelling. The surrounding area is characterised by two-storey semi-detached and terraced dwellings.

The proposal would introduce a detached dwelling within the area of side garden land, between 39 and 41 Mounthurst Road. The design of the property has been amended since the previous refusal and no longer includes a prominent front gable. Its width would be similar to the Number 41 and the overall design would now be similar to ex-local authority properties at 41/43 Mounthurst Road. Similarly the height of the dwelling is comparable to adjoining development.

The overall size and shape of the plot is similar to the previous scheme; however the dwelling has been re-sited to provide a greater degree of separation with Number 39, which now measures 3.75m between the properties and 2.75m to the shared boundary. In addition the single storey side element adjoining number 41 has now been removed, thereby improving the spatial qualities surrounding the new building. In addition, due to the tapering nature of the plot the width between the new dwelling and Number 41 would be 3.6m at the front; narrowing to 2m at the rear. The property has been set slightly forward of number 41 (around 1.5m) but this would be similar to the line of Number 41, which sits at an angle due to its position on the corner. This rearrangement of the building has also increased the depth of the rear garden. Due to the location at the corner and similarities in design to Number 41 it is considered that the dwelling would now be read more in conjunction with this property rather than 39 and its small level of forward projection would not appear significantly incongruous within the streetscene.

The applicant has highlighted a detached dwelling at 32 Mounthurst Road there is a detached dwelling between two semi-detached properties and as such it would not appear totally out of character with the pattern of wider development.

Given the changes to the design of the dwelling and improvements in the layout to increase in spacing around the building it is considered the development would not appear as cramped as the previous refusal and as such is now considered to be on balance acceptable.

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.

The application proposes to construct a 2 three person bedroom dwelling. The double room would exceed 11.5sqm and the single room would measure 10sqm. Three persons is therefore considered to be a reasonable occupancy.

The minimum space standard for the proposed units is 70sqm and the dwelling would meet this standard.

All rooms would achieve a satisfactory level of light and outlook.

Amenity space is provided by way of private rear garden.

The revised proposal has therefore satisfactorily address previous objections surrounding standard of accommodation.

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 NPPF recognises that transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives. The NPPF clearly states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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

Policy T18 of the UDP and Draft Policy 32 Road Safety states that the Council will consider as appropriate the potential impact on road safety and will seek to ensure road safety is not adversely affected.

The site has a PTAL of 1b and not it therefore considered to be very accessible.

The development would include parking for one vehicle to the front of the dwelling and a further two spaces would be provided for the host property. Access to the proposed area of parking for both the new dwelling and existing property would be via a modified vehicular crossover. The Council's highways officer has not objected to the access arrangements or the level of parking provision.

No details of refuse storage or cycle parking have been provided, but given the location of the dwelling it is considered that this could be provided within the curtilage and details could be secured via condition if the scheme were 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 proposed dwelling would be situated on land between the donor property at 41 Mounthurst Road and Number 39. The dwelling would represent a considerable mass within this space; however it is set back from the common boundary from Number 39 and would not project beyond its rear elevation. It would however project forward of Number 39 by around 1.5m, however this is not considered to be an excessive level of projection and the separation between the new dwelling and this neighbour would help mitigate any significant visual harm. This property only appears to have one small window within the side elevation and also appears to have been extended by way of a rear addition. It is not considered this arrangement would lead to overbearing form of development and whilst there may be some overshadowing during the morning hours, given the above arrangement it is not considered this is significant enough to warrant a refusal.

There is also an established degree of overlooking towards the rear of the site and onto neighbouring gardens from the existing arrangement of the buildings. The proposal would overlook the rearmost section of the garden at Number 43, however this is not considered to be materially greater than the established arrangement and there would no overlooking into neighbouring rear windows due to the oblique angle.

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 regard to the above, the development is considered to be acceptable and that the revisions to the design and layout have satisfactorily addressed previous objections. In addition it would now provide a suitable standard of accommodation and the impact on neighbouring residential amenities 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

Subject to the following conditions:

- 1 The development to which this permission relates must be begun not later than the expiration of 3 years, beginning with the date of this decision notice.**

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

- 2 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 UDP and in the interests of visual and residential amenity.

- 3 (a) Prior to commencement of the development hereby approved (excluding any ground clearance or demolition) a scheme for the provision of surface water drainage shall be submitted and approved in writing by the local planning authority.**

(b) Before the details required to satisfy Part (a) are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system (SuDS) to ground, watercourse or sewer in accordance with drainage hierarchy contained within the London Plan Policy 5.13 and the advice contained within the National SuDS Standards.

(c) Where a sustainable drainage scheme is to be provided, the submitted details shall:

i. provide information about the design storm period and intensity, the method employed to delay (attenuate) and control the rate of surface water discharged from the site as close to greenfield runoff rates (8l/s/ha) as reasonably practicable and the measures taken to prevent pollution of the receiving groundwater and/or surface water

(d) The drainage scheme approved under Parts a, b and c shall be implemented in full prior to first occupation of the development hereby approved

Reason: Details are required prior to the commencement of any new operational development in order to ensure that a satisfactory means of surface water drainage, to reduce the risk of flooding can be achieved before development intensifies on site and to comply with the Policy 5.13 of the London Plan.

4 No development shall commence on site (including demolition) until such time as a Construction and Environmental Management Plan has been submitted to and approved in writing by the local planning authority. As a minimum the plan shall cover:

(a) Dust mitigation and management measures.

(b) The location and operation of plant and wheel washing facilities

(c) Measure to reduce demolition and construction noise

(d) Details of construction traffic movements including cumulative impacts which shall demonstrate the following:-

(i) Rationalise travel and traffic routes to and from the site as well as within the site.

(ii) Provide full details of the number and time of construction vehicle trips to the site with the intention and aim of reducing the impact of construction related activity.

(iii) Measures to deal with safe pedestrian movement.

(iv) Full contact details of the site and project manager responsible for day-to-day management of the works

(v) Parking for operatives during construction period

(vi) A swept path drawings for any tight manoeuvres on vehicle routes to and from the site including proposed access and egress arrangements at the site boundary.

(e) Hours of operation

(f) Other site specific Highways and Environmental Protection issues as requested on a case by case basis

(g) The development shall be undertaken in full accordance with the details approved under Parts a-f

Reason: Required prior to commencement of development to ensure sufficient measures can be secured throughout the whole build programme in the interests of pedestrian and vehicular safety and the amenities of the area. In order to comply with Policies BE1, T5, T6, T7, T15, T16 & T18 of the Unitary Development Plan and in the interest of the amenities of the adjacent properties.

5 (a) Prior to commencement of above ground works, details (including samples) of the materials to be used for the external surfaces of the building which shall include roof cladding, wall facing materials and cladding, window glass, door and window frames, decorative features,

rainwater goods and paving where appropriate shall be submitted to and approved in writing by the Local Planning Authority.

(b) The development shall be carried out 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 appearance of the building and the visual amenities of the area

6 (a) Details of arrangements for storage of refuse and recyclable materials (including means of enclosure for the area concerned where necessary) shall be submitted to and approved in writing by the Local Planning Authority prior to construction of any above ground works

(b) The arrangements as approved under part (a) 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

7 (a) Surface water from private land shall not discharge on to the highway.

(b) Prior to the commencement of above ground works details of the drainage system for surface water drainage to prevent the discharge of surface water from private land on to the highway shall be submitted to and approved in writing by the Local Planning Authority.

(c) Before any part of the development hereby permitted is first occupied, the drainage system shall be completed in accordance with the details approved under Part (b) and shall be retained permanently thereafter.

Reason: To ensure satisfactory implementation of the surface water drainage proposals can be secured before additional pressure is placed on existing arrangements and to accord with to London Plan Policy 5.13 Sustainable Drainage

8 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 details as set out in this planning permission 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.

- 9 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, extension, enlargement 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.

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

Reason: The interest of pedestrian and highway safety and in order to comply with Policy BE1 of the Unitary Development Plan (2006).

- 11 The development hereby permitted shall be built in accordance with the criteria set out in the Approved Document M Compliance Statement submitted with this application.

Reason: To comply with Policy 3.8 of the London Plan 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.

You are further informed that :

- 1 With regard to the laying out of the crossover(s) and or reinstatement of the existing crossover(s) a Vehicle Crossover Application will need to be made to the Highway's Department. The application fee is a non-refundable £100 pounds and the forms can be found through the webpage

https://www.bromley.gov.uk/info/200083/roads_highways_and_pavements/279/access_to_your_drive_crossovers_dropped_kerbs/2

- 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

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