

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

**Application No :** 18/04241/FULL1

**Ward:**  
Bromley Town

**Address :** 10 Highland Road Bromley BR1 4AD

**Objections:** Yes

**OS Grid Ref:** E: 539658 N: 169963

**Applicant :** Mr C. Birch

**Description of Development:**

Demolition of existing garages to the rear of 10 Highland Road and the erection of a single 3 bedroom house

Key designations:

Biggin Hill Safeguarding Area  
London City Airport Safeguarding  
Open Space Deficiency  
Smoke Control SCA 3

**Proposal**

The application seeks consent for the demolition of the existing garage block to the rear of 10 Highland Road and the erection of a single 3 bedroom dwelling.

**Location and Key Constraints**

The application site is situated on the north-west side of Highland Road, Bromley, to the rear of 8 and 10 Highland Road. As outlined above, the site includes a single storey garage block. The garages are currently reached via a small access road varying in widths of 3.2m to 3.8m. The area consists of period and post-war infill development many of which comprise of flatted residential development, with No.8 Highland Road converted into flats in 2006 (06/03686/FULL1), while No.10 is currently in use as a Doctors Surgery. The site is designated as being within an area of Open Space Deficiency.

**Comments from Local Residents and Groups**

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

- Undesirable backland development, out of character with the rear. If permitted it would likely set a precedent for similar proposals in the vicinity. This would result in a retrograde lowering of the spatial standards of the area.

- Existing trees could cause subsidence to the properties adjacent Grasmere Road and need to be regularly pollarded. The properties on Grasmere are lower than the proposed development. The boundary being a steep bank.
- Subsidence
- Grasmere properties are at a lower level. Would block most of the daylight from the east.
- Would compromise privacy and direct views into neighbouring properties.
- Unattractive backland development.
- Development has a very small garden.
- Harm to local wildlife and green space lost.
- Overshadowing and loss of light
- Loss of privacy
- Will change the character of the area.
- Two storey house is imposing and hazardous.
- Concerns about construction and impact on neighbours
- Access passage cannot be treated as a land as it is implied in the proposed planning as it has never been in use. Only occasional access for the garages.
- Upper floor and rear windows will be intrusive to residents of 16 & 22 Grasmere Road. No other houses in the immediate area have roof lights. This will harm neighbours.
- Access passage is not sufficient for fire appliances. Government said to build where it is safe and this plot of land is not.
- Noise and disturbance
- Increased pollution
- Could have more than 2 cars
- Concerns about highway safety
- Developer has erected hoarding without consultation with neighbours. This site should be redeveloped into a communal garden.
- Not a good idea to require resident to wheel 3 refuse bins to the entrance with highland grove. They will be left and will cause vermin.
- The access is too narrow and passes neighbouring flat entrances. There will be limited room for pedestrians when vehicles are accessing the development. No traffic calming measures to mitigate this. Safety concerns.
- With more people passing the entrances there may be more break-ins.
- The access is used for the storage of refuse for neighbouring flats. There would not be room when a car is passing. Where will these be stored.
- The development would encroach on a section of neighbouring leasehold land.
- Increase parking stress. Parking is already difficult.
- Harm to the visual amenity of the area
- There are attractive trees onsite which are or should be subject to a Tree Preservation Order.
- Trying to squeeze development in an inappropriate space.
- Concerns about installation of services.

A petition has also been supplied objecting to the development.

### **Comments from Consultees**

Environmental Health Pollution Officer: I have considered this application and in principle would have no objections to permission being granted. I would however recommend that the following Informatives be attached:

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.

Drainage Engineer: No objections please impose surface water condition.

Highways: The site is relatively near to both Shortlands and Bromley North rail stations together with several bus routes and has a PTAL rating of 1b. This is generally considered to be poor in terms of accessibility in the context of London.

The access road is blocked by a temporary shed so I could not see the parking area. Regrettably all those 7 car parking spaces will be lost as a result of this development.

The proposed development is of a single 3 bedroom house together with 2 parking spaces.

There is a single access point to the site at present which is partially made, the front section from Highlands Road for around 13m, this section is between 3.2m and 3.5m wide, and partially unmade, the remainder of the access which varies in width from 3.2m to 3.8m. The narrowest width is between the tree and the fence behind No 10 measuring 2.7m.

The vehicle access onto Highland Road will be via the existing dropped kerb access. The visibility splay at a junction ensures there is adequate inter-visibility between vehicles on the major and minor arms.

The developer is providing 2 x parking spaces which is as per Emerging Local Plan. One car park space can be used by the visitor. Required measurement of a parking bay is 2.4m x 5m with a clear manoeuvring space of 6m.

A total of 2 cycle parking spaces are required. However I would like to see detailed drawing. The cycle parking requirements are set out in Table 6.3 of the London Plan. The requirement is for 2 cycle spaces to be provided per unit. Policy 6.9

(B)(a) states that developments should provide integrated, convenient and accessible cycle parking facilities.

It is not clear where the refuse storage for the existing flats at 10 and the proposed development will be located. I noticed some waste bins located along the access road and these further narrows its width. Please consult LBB Waste Service regarding refuse storage and servicing of the units.

I am also concerned how an emergency vehicle will enter the site for proposed development.

As it is in a low PTAL the developer should agree in writing with Local Planning Authority that with the exception of disabled persons no resident of the development shall obtain a resident parking permit within the controlled parking zone which is in force in this vicinity. This can be included as a condition when I have seen above mentioned details.

Subject to above please include following with any permission.

#### Standard Conditions

OC03 Satisfactory parking

ND16 Hardstanding for wash-down facilities

AG11 Refuse storage

AG12 Cycle parking

PC17 Lighting scheme

PC17 Construction Management Plan

AG24 Highway drainage

OC06 Car free housing ... future resident will not be apply for a resident parking permit

Waste Services: No comments received

Tree Officer - The proposed design has addressed the previous reasons for refusal. I would usually oppose such a small amount of amenity space, however, given the current use as a car park/garages presents the same issue in terms of useful amenity space. A precedent has therefore been set.

Given arboricultural appraisal has been submitted it would be prudent to request a method statement to address the revised scheme.

I recommend the following condition be applied in the event planning permission is granted:

Tree Protection (PC02)

#### **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 5.3 Sustainable design and construction

Policy 5.7 Renewable energy

Policy 5.10 Urban greening

Policy 5.13 Sustainable drainage

Policy 5.17 Waste capacity

Policy 6.9 Cycling

Policy 6.13 Parking

Policy 7.2 An inclusive environment

Policy 7.3 Designing out crime

Policy 7.4 Local character

Policy 7.6 Architecture

Policy 8.2 Planning obligations

Policy 8.3 Community infrastructure levy

## Housing: Supplementary Planning Guidance

### Unitary Development Plan

- BE1 Design of New Development
- H2 Housing Supply
- H7 Housing Density and Design
- H9 Side Space
- NE7 Development and Trees
- T3 Parking
- T18 Road Safety

### Emerging Local Plan

- Policy 1 Housing Supply
- Policy 4 Housing Design
- Policy 3 Backland Development
- Policy 8 Side Space
- Policy 37 General Design of Development
- Policy 30 Parking
- Policy 32 Road Safety
- Policy Development and Trees
- Policy 116 Sustainable Urban Drainage Systems (SUDS)
- Policy 123 Sustainable Design and Construction

### Supplementary Planning Guidance

- SPG1 General Design Guidance
- SPG2 Residential Design Guidance

Housing Technical Standards - Nationally Described Space Standards (NDSS).

## **Planning History**

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

17/04981/FULL1 - Proposed development on land of existing garages to the rear of 10 Highland Road and part of rear garden of 8 Highland Road, including demolition of garages and erection of 5 terrace houses, with associated parking and refuse store. Refused for the following reasons:

1. The proposed development constitutes an undesirable form of backland development, out of character and scale with adjoining development, detrimental to the existing level of amenity which the occupants of neighbouring properties might reasonably expect to be able to continue to enjoy, whilst leading to an unacceptable loss of amenity space for the neighbouring property at No.8 Highland Road, contrary to Policies H7 and BE1 of the UDP and Draft Policies 3 and 37 of Bromley's Emerging Draft Local Plan The London Plan (2016) and NPPF (2012).

2. The proposal constitutes a cramped overdevelopment of the site, by way of building coverage, which if permitted would establish an undesirable pattern for similar backland development in the area, resulting in a retrograde lowering of the standards to which the area is at present developed, contrary to Policies BE1, H7 and H9 of the UDP and Emerging Draft Local Plan Policies 4, 3, 8 and 37, Policies 7.4 and 7.6 of the London Plan (2016) and the NPPF (2012).
3. The development of this site with 5 terrace houses would be detrimental to the privacy, prospect and visual amenities of the occupiers of adjacent residential properties, contrary to Policy BE1 and H7 of the Unitary Development Plan, Draft Policies 3 and 37 and London Plan Policy 7.6 and the NPPF (2012).
4. In the absence of sufficient information to demonstrate that vehicles can manoeuvre safely and efficiently within the site layout and in and out of the site, the proposal would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to policy T18 of the UDP and Draft Policy 32 of Bromley's emerging Local Plan.
5. The development would prejudice the retention and well-being of a number of trees which are protected by a Tree Preservation Order, therefore contrary to Policies BE1 and NE7 of the Unitary Development Plan.

## **Considerations**

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

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

### Principle

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

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

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

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

Paragraph 4.40 states backland development, involving development of land surrounded by existing properties, often using back gardens and creating a new access, will generally be resisted. Private gardens can be of great importance in providing habitats for wildlife, particularly in urban areas. However it also states that such development maybe acceptable provided it is small scale and sensitive to the surrounding residential area. Additionally traffic should not cause an unacceptable level of disturbance to neighbouring properties, and high standards of separation and landscaping should be provided.

Draft Policy 3 Backland and Garden states that new residential development will only be considered acceptable on backland or garden land if all of the following criteria are met:

- There is no unacceptable impact on the character, appearance and context of an area in relation to the scale, design and density of the proposed development,
- There is no unacceptable loss of landscaping, natural habitats, or play space or amenity space,
- There is no unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic,
- A high standards of separation and landscaping is provided

The application is a resubmission of planning ref: 17/04981/FULL1 which also related to the redevelopment of this site but this was for a larger development comprising 5 terrace houses.

At the time of that application the development site also included a large area of rear garden land attached to Number 8 Highland Road. This was deemed to be unacceptable and as such was considered to represent undesirable backland development. This was due to the introduction of housing on existing garden land which was considered to be unacceptable. Together with the level of site coverage it was considered that it would have resulted in an overdevelopment.

In this case the development site has been scaled down and no longer includes the garden area to the rear of Number 8 Highland Road, and is now confined to the site of the existing garage block. At the time of the previous submission it was considered that "the re-development of the land occupied by garages to the rear of No.10 is acceptable, as stated above the NPPF encourages the effective use of land that has been previously developed (brownfield land)."

The amount of development has also been reduced from 5 terraced houses to a single 1.5 storey detached dwelling. Given the existing garage use, the site is considered to be previously developed land and redevelopment in these locations is generally supportable, subject to an assessment of the development in respect of the character of the area, highways issues, neighbouring amenity and tree concerns which are discussed below. The removal of the garden land has also addressed a significant area of previous objection.

In terms of density, the development would equate to around 50u/ha or 200hr/ha which is in compliance with Table 3.2 of the London Plan. Policy 3.4 of the London Plan however highlights that in optimising development opportunities factors such a local context and design should be considered.

### Design, Layout and Scale

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

Policy BE1 requires all new development to be of high standard of design and layout. It should therefore complement the scale and form of adjacent buildings and areas and should not detract from existing street scene and/or landscape and should respect important views, skylines or landscape features.

Policy H7 of the UDP outlines the criteria that applications for new housing must meet. It requires the site layout, buildings and level of amenity space to be in keeping with the surrounding area. The explanatory text to Policy H7 (para 4.36 of the UDP) states "many residential areas are characterised by spacious rear gardens and well separated buildings. The Council will therefore resist proposals that would undermine local character or that would be likely to result in detriment to existing residential amenities.

The development surrounding the site comprises mainly two storey properties. There are examples of terraces, detached dwellings and flatted developments. In terms of character the area is primarily residential, albeit there is a dentist practice at the very entrance to the site. The existing garage block is low in height and this backland site has a relatively open character due to the size of the plot and arrangement of surrounding gardens.

The application has been significantly revised since the previous submission. That scheme included the erection of a terrace comprising 5 residential units. The application now only proposes one three bedroom dwelling within the north west corner of the plot. This is set away from each of the boundaries and includes open space, which will be used for parking, to the south and south east of the site.

The overall height of the building has been kept to a minimum, with accommodation now housed within the roof space. The dwelling would incorporate red multi-brick walls, zinc roof and timber doors. The use of zinc is a more contemporary type of architectural treatment but this is not considered to be significantly out of character and there are limited views from the public realm.

The surrounding properties typically face the principle roads and have deeper rear gardens. The proposal would be orientated horizontally within the site and the depth of the rear garden would not be similar to wider development. However, the introduction of a residential unit within this previously developed backland site is not considered to be out of character with the surrounding context and the reduction in the number of units, overall reduction in scale of the development since the previous refusal, use of a pitched roof and general space about the building would ensure a satisfactory degree of openness is retained.

Therefore, it is considered that the development would no longer represent a cramped overdevelopment of the site. It would generally accord with Policies 7.4 and 7.6 of the London Plan and Policies BE1 and H7 of the Unitary Plan (2006) and is considered to be on balance an acceptable development in design terms.

### 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 proposal is for a three bedroom dwelling. The occupancy has not been stated but the development would include two rooms over 11.5sqm and one room measuring 10sqm. The rooms above 11.5sqm are capable of accommodation 2 people. As such the occupancy could reasonably be 5 persons.

The minimum GIA for a 3 bedroom 5 person dwelling over two storeys is 93sqm. The dwelling would have an approximate GIA of 119sqm. It therefore complies with the above standard.

The building would be situated centrally within the site but due to site constraints the rear garden is very limited. However, due to the location of the site and surrounding development the remainder of the frontage would be very private and could be used as amenity space.

All rooms would have a reasonable level of light. The windows serving bedrooms serving 1 & 3 would be dormers. The window serving bedroom 2 forms a small projecting bay. This would face towards the rear garden of number 8 but the forward facing window panels would be obscured to prevent direct overlooking. A side panel would be unobscured and would redirect the gaze backwards towards the rear of Highland road.

No objections are therefore raised to the 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.

Policy T3 of the UDP and Draft Policy 30 (Parking) sets out the Council's standards for residential parking for new development. Moreover, Policy 6.13 (Parking) of the London Plan also sets standards for new residential development. The Mayor wishes to see an appropriate balance being struck between promoting new development and preventing excessive car parking.

The application site has a PTAL rating of 1b where car ownership will be expected for new residential development.

There is a single access point to the site at present which is partially made, the front section from Highlands Road for around 13m, this section is between 3.2m and 3.5m wide, and partially unmade, the remainder of the access varies in width

from 3.2m to 3.8m. The vehicle access onto Highland Road will be via the existing dropped kerb access.

The level of car parking (2 spaces) for the new dwelling is considered appropriate. The Council's highways officer has not objected to the level of provision or the loss of the garage spaces. It is noted that no objections were raised in respect of the loss of garages within the previous refused scheme. The turning areas appear to be sufficient and as there is now only one dwelling on site, which lessens the potential for difficult manoeuvring and conflict between different households as all vehicles would be within control of one property. Additionally, the vehicular access path is established as it previously serviced the garage block.

There have been concerns about the storage of refuse and also the management/storage of refuse of the bins located on the existing access road, which serves the existing flats of 10 Highland Road. Refuse bins for the development would be stored on site and taken to the end of the access on bin collection day. In relation to the existing bins for the flats at 10 Highland the applicant has confirmed the freehold ownership of the land and has stated that the access road is wide enough to create a dedicated storage area. Having been on site it does appear there is scope to create a dedicated refuse area. As such a refuse management plan could be secured by condition.

#### 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.

Policy BE1 of the UDP and Draft Local Plan Policy 37 seek 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. This is supported by London Plan Policy 7.6. In addition, Draft Policy 3 (Backland) states that backland development should not lead to an unacceptable impact on the residential amenity of future of existing occupiers through loss of privacy, sunlight, daylight and disturbance.

The site is bounded by a terrace of two storey properties to the north (Number 16-22 Grasmere Road), a semi-detached pair of dwellings and their gardens to the west (12-14 Grasmere Road) and a pair of two-storey dwellings on Highland Road to the south. These properties are used as flats and a dentist practice. The access road also passes Number 8 Highland Road and its rear garden to the east. Access to a number of flats for 10 Highland Road is located on the access road.

It is also noted that the properties at Numbers 16-22 Grasmere Road are located at a lower ground level, being around 3.5m below the application site.

The overall scale of the development has been reduced since the previous refusal. The proposed dwelling would be situated towards the north west corner of the site. It would measure 7.05m in depth and 11.5m in width. It would have a pitched roof with an eaves height of 4m and 6.9m to the apex of the roof.

The dwelling would now sit immediately to the rear of Number 16 Grasmere Road and adjacent to the shared boundary with Number 14 Grasmere Road.

Number 16 is located at a significantly lower ground level, being around 3.5m below the application site. There is steep bank falling away from the rear of the site down towards Number 16 and there are also a number of trees along this existing shared boundary. This relationship has already therefore likely resulted in a level of overshadowing and visual incursion for the rear facing windows of this neighbour. The separation of the development to this common boundary would range between 2.8m - 3.4m. Due to the tapering building line the back to back separation between Number 16 and the proposed dwelling would be between 9.9m and 10.3m. The dwelling has been angled in such a way that the roof would pitch away from this common boundary line.

The existing garage structure is set away from this shared boundary and measures approximately 2.3m in height. The eaves of the new dwelling would be approximately 1.7m higher than the existing garages.

The overall scale and bulk of the development as a whole has been significantly reduced and whilst the maximum height of this dwelling is marginally taller than the maximum height of the most recent application, this is off-set by the reduction in the number of units and use of a roof which pitches away from the shared boundary. Whilst the orientation of the dwelling in relation to number 16 and back to back separation of properties may result in some visual impact, given the existing and established situation and reduced scale of the proposed development this is considered to be on balance acceptable in terms of light, overshadowing and visual impact.

In terms of overlooking the windows within the north facing roof slope would serve non-habitable areas and could be conditioned to be obscured glazed. No loss of privacy is therefore anticipated for the properties along 16-22 Grasmere Road

Number 14 is located to the west of the application site. The proposed dwelling would sit adjacent to this shared boundary, but it would be set back from the fence line by approximately 1.1m at its narrowest point and 1.7m at its widest. The proposed dwelling would project around 4.8m beyond the rear of Number 14 but due to the diminishing roof height, which would slope downwards and away from the rear of Number 14, it is considered that the overall bulk would be lessened. The separation would also help reduce the visual prominence of the scheme and due to the orientation of the property in relation to this neighbour; no significant loss of light or overshadowing is anticipated. No windows are proposed within this side elevation and accordingly there would be no loss of privacy or overlooking.

Windows are proposed within the south facing sloping roof and there would serve bedrooms. These would face the rear elevations and amenity spaces of 10 & 10B-

G Highland Road. The southern boundary of the site is staggered and the backs onto neighbouring gardens and there is also a single storey shed. The separation to the southern boundary varies between approximately 11.9m and 3.5m but at its narrowest point there is a further separation between the boundary and a shed in the neighbouring garden. The back to back separation between the facing windows is around 25m. The upper floor windows would be situated within the roof slope and given the fact they serve bedrooms and there is a generous degree of separation it is not considered there would be a detrimental loss of privacy or overlooking.

The existing vehicular access path would be used to gain entrance to the site. This appears to be used by the flats of 10 Highland Road as a means of entrance to their flats, and it also sits adjacent to neighbouring properties at 8 Highland Road. However the existing garage uses would have resulted in a level of vehicular movements along this path and whilst these garages are currently not in use, it is considered that this is the established and historical arrangement which could be reinstated at any time. There would be general comings and goings associated with the introduction of a residential dwelling on the site but given the existing use this is not considered to be significantly detrimental to neighbouring amenity by of increased noise and disturbance or general disturbance from headlights.

The property would include an upper level window within the east elevation, which faces Number 8 Highland Road. However, the forward facing panel would be obscured glazed and a single unobscured vertical panel would face back towards the rear of 10 Highland Road. This would prevent direct overlooking onto neighbouring gardens to the east.

### Trees

Policy NE7 and Draft Policy 73 states that proposals for new development will be required to take particular account of existing trees on the site and on adjoining land, which in the interests of visual amenity and/or wildlife habitat, are considered desirable to be retained. When works are proposed to be carried out to protected trees and woodlands the Council will seek appropriate management to ensure that they remain in a healthy condition and visually attractive.

Tree Preservation Order (TPO) BB 9, 1960 covers the site address and a large proportion of the surrounding roads. This is one of Bromley's earliest TPOs and protects trees that existed at the time the order was made.

The application is supported by an Arboricultural appraisal. Objections were raised previously with regards to the development being prejudicial to the well-being of a number of protected trees on and off-site. However, the current scheme has been significantly reduced in scale and no longer extends into the rear garden of Number 8 Highland Road, where there was previously likely to be a conflict between the development and trees. Most trees along the northern boundary of the application site are to be retained, and given the position of the existing garage structures, close to the root protection area of these trees and the location of the dwelling, objections would unlikely be raised in respect of harm. The Council's tree officer has reviewed the revised scheme and considers that this revised proposal

has addressed previous reasons for refusal. However, it is recommended that an Arboricultural method statement is required in order to ensure the trees to be retained will not be damaged during demolition or construction. Given the TPOs across the site and proximity of the development to the trees on the northern boundary this is considered to be a reasonable and necessary condition that should be submitted prior to commencement of development in order to safeguard the trees on and off-site.

### 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 it is considered that this would be acceptable form of backland development on this previously developed site. The revised design and reduction in the scale of the development has satisfactory previous objections in relation to the spatial qualities of the area. It would not result in significant harm to the character or appearance of the locality and the impact on neighbouring residential amenities is on balance 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 (i) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012, including a tree protection plan(s) (TPP) and an arboricultural method statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority.**

**Specific issues to be dealt with in the TPP and AMS:**

**a) Location and installation of services/ utilities/ drainage.**

**b) Methods of demolition within the root protection area ( RPA as defined in BS 5837: 2012) of the retained trees.**

**c) Details of construction within the RPA or that may impact on the retained trees.**

**d) A full specification for the installation of boundary treatment works.**

**e) A full specification for the construction of any roads, parking areas and driveways, including details of the no-dig specification and extent of the areas of the roads, parking areas and driveways to be constructed using a no-dig specification. Details shall include relevant sections through them.**

**f) Detailed levels and cross-sections to show that the raised levels of surfacing, where the installation of no-dig surfacing within Root Protection Areas is proposed, demonstrating that they can be accommodated where they meet with any adjacent building damp proof courses.**

**g) A specification for protective fencing to safeguard trees during both demolition and construction phases and a plan indicating the alignment of the protective fencing.**

**h) A specification for scaffolding and ground protection within tree protection zones.**

**i) Tree protection during construction indicated on a TPP and construction and construction activities clearly identified as prohibited in this area.**

**j) Details of site access, temporary parking, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well concrete mixing and use of fires**

**k) Boundary treatments within the RPA**

**l) Methodology and detailed assessment of root pruning**

**m) Arboricultural supervision and inspection by a suitably qualified tree specialist**

**n) Reporting of inspection and supervision**

**o) Methods to improve the rooting environment for retained and proposed trees and landscaping**

**p) Veteran and ancient tree protection and management**

**(ii) The development thereafter shall be implemented in strict accordance with the approved details.**

**Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality, in accordance with BE1, NE7 and NE8 of the Unitary Development Plan and pursuant to section 197 of the Town and Country Planning Act 1990**

**5 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.**

- 6 Prior to commencement of development (excluding demolition) details of the proposed slab levels of the building(s) and the existing site levels shall be submitted to and approved in writing by the Local Planning Authority . The development shall be completed strictly in accordance with the approved levels.**

**Reason: Required prior to commencement in order to ensure that a satisfactory form of development can be undertaken on the site in the interest of visual amenity and to comply with Policy BE1 of the Unitary Development Plan.**

- 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 (a) Details of arrangements for bicycle parking (including covered storage facilities where appropriate) 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 T7 of the Unitary Development Plan and Policy 6.9 of the London Plan and in order to provide adequate bicycle parking facilities at the site in the interest of reducing reliance on private car transport.**

**9 (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**

**10 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.**

**11 Before the development hereby permitted is occupied arrangements shall be agreed in writing with the Local Planning Authority and be put in place to ensure that, with the exception of disabled persons, no resident of the development shall obtain a resident's parking permit within any controlled parking zone which may be in force in the vicinity of the site at any time.**

**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.**

**12 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.**

- 13 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.**

- 14 Before the development hereby permitted is first occupied the proposed roof lights on the north roof slope and the window panels shown as being opaque and fixed shut (on drawing 18104/04 hereby approved) shall be obscure glazed to a minimum of Pilkington privacy Level 3 and shall be non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and the window (s) shall subsequently be permanently retained in accordance as such.**

**Reason: In the interests of the amenities of nearby residential properties and to accord with Policies BE1 and H8 of the Unitary Development Plan**

**You are further informed that :**

- 1 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.**

- 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)**