

SECTION '2' – Applications meriting special consideration

Application No : 18/04828/FULL1

Ward:
Clock House

Address : 13 Blakeney Avenue Beckenham BR3
1HH

Objections: Yes

OS Grid Ref: E: 536902 N: 169964

Applicant : Maia Property Ltd

Description of Development:

Conversion of single family dwelling into 2 x 1 bedroom and 1 x 2 bedroom flats.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 12

Proposal

Planning permission is sought to convert the existing single family dwelling into 2 x 1 bedroom and 1 x 2 bedroom dwellings.

One parking space will be provided on the frontage.

Location and Key Constraints

The application site is a semi-detached property located on the north side of Blakeney Avenue, Beckenham. The property has been extended by way of single-storey rear extensions and a large dormer. The surrounding area comprises of semi-detached period properties, with some examples of post war development nearby. The application site has a PTAL rating of 3 (on a scale of 1-6 where 6 is the most accessible).

This application has been called into committee by a local Councillor.

Comments from Local Residents and Groups

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

- The proposal to convert into three flats would not be in keeping with the character of the area. No other house in the street has been converted.
- The form and density would not match the rest of the street. Typical occupancy is around 4/5 people per house whereas this development as

presented has an occupancy of 7. The loft roof labelled as 'study' would likely be used for double accommodation and the single room would also likely be rented as a double. The total occupancy would be at least 10.

- The increase in density will result in a loss of amenity to neighbouring residents in terms of noise and disturbance.
- Occupancy levels do not take into account the restriction placed on application 17/01744 for conversion. This development is not sympathetic to a family-friendly, quiet and low density character of the street.
- Increased comings and goings resulting from a number of separate households would not be comparable to that of a 7 bedroom single household.
- Loss of privacy and noise due to increased occupancy, increased use as three flats and increased noise from car parking.
- Overlooking due to increased number of bedrooms.
- Loss of a family home.
- Does not provide good high quality accommodation, with poor internal layout.
- Overdevelopment, attempting to sub-divide the house as much as possible without thought to the practicalities of living in the development. The residents of the one bedroom flat will have their kitchen overlooked by three of the first and second floor bedrooms.
- Access to the side and removal of side gate would reduce security of the area. No natural surveillance of the ground floor making it unsafe to approach. Loss of amenity to number 11 with increased foot traffic.
- Plans show an area to the rear of the site being used for bin storage however due to the conversion of the front drive into a parking/planting area on collection days there is nowhere for the bins to go other than the pavement. This raises issues with road safety.
- One parking space is insufficient. Significant differences in the parking requirements of a single family home verses the 5 plus rooms in the flats.
- The proximity of the stations significantly increased on-street parking pressures - it does not reduce it. Commuter parking takes up a significant amount of parking spaces in Blakeney Avenue during the working week.
- Most houses within the road own one car as although the site is close to a station there is very little provision for shops, schools etc.
- Disagree with statements in the submitted Transport Statement.
- Understand the principle for reconfiguration of the parking on the front but there is nothing to stop a developer or future occupier from taking down the wall/planting to allow two cars to park in an unsafe manner.
- Would lead to an increase in on-street parking.
- Significant congestion on the road and there are safety issues with this being a narrow street.
- The Planning Inspector relied on two parking surveys undertaken for 17/03525/FULL1. Have previously objected to the methodology used in these surveys. They include inaccuracies and inconsistencies between the surveys - for example areas where it is illegal for residents of Blakeney Avenue to park (Monivea Road) have been included; a turning space area where no parking is allowed is shown incorrectly as having 4 spaces on one survey and 8 in another.

- Using the data in the surveys and calculating where parking is illegally allowed, stress on Blakeney Avenue is between 140-160% and overall stress in the area is 86-100%. Parking stress is at 100% at 18:30, the closest survey to overnight this is contrary to the statement made by the Inspector.
- Surveys are now out of date and parking stress has increased.
- Bromley Council's previous highway comments/objections should still be relevant.
- Would set a precedent.
- Comments and photos submitted relating to the parking survey methodology.
- Works to extend the property have already been carried out. Overdevelopment.
- Object to the use of Monivea road for overspill parking. This is a private road which is paid for by the residents. Increasing traffic will increase wear and tear and the subsequent cost to the residents.
- Monivea Road has an unmade road surface. The maintenance is entirely borne by the residents. It wears out quickly and it is not reasonable to expect the residents of that road deal with added pressures.
- Inconsiderate and unsafe parking.
- The conversion into flats was refused on principle and this remains the case.
- The proposal will change the character and nature of the street.
- There is not sufficient parking provision. To suggest only 1 car ownership in a household of 7 individuals is statistically unsound.
- Questions around being allowed to submitted various planning applications for the same development.
- The property should be put back into a family residence.
- Would set a precedent.
- In all previous applications planning committee has ruled that the sub-division of this property was not acceptable in principle. Nothing has changed on this basis and permission should be refused.
- Existing parking pressures from commuter parking and people using Define fitness centre on Blakeney Road. On road parking in Blakeney Road is not a safe option.
- There is no point in building or planning regulations if this application went forward.
- The proposed single space is inadequate which could see up to 6 additional cars attempting to park in Monivea Road.
- Carried out works without the proper planning consents.
- Blakeney Road has no safe crossing space.

Summary of Consultee Comments

Highways: The site has a Public Transport Accessibility Level (PTAL) of 3, which represents a moderate level of accessibility to public transport across London generally,

The site has been subject to two separate planning applications previously for a two-dwelling subdivision (ref: DC/17/05869/FULL1) and a three-dwelling subdivision (ref: DC/17/03525/FULL1). Both planning applications were refused by LB Bromley and subject to separate planning appeals which were both dismissed by The Planning Inspectorate.

The application is to convert this single family dwelling into 3 separate units.

Previous comments suggested that the front bumper of the middle car would be almost touching the wall and rear bumper would be on the footway. The applicant could potentially accommodate 2 cars if the parking layout was amended slightly towards No 11. The crossover can be widened to allow manoeuvring on and off the road.

The applicant suggested at the appeal stage that the existing crossover should be widened to allow two cars to manoeuvre in and out of spaces in a more safe and convenient manner. The Inspector commented that such widening would be the subject of a separate consent regime and as such cannot be taken into account in determination of the current appeals. The inspector was also satisfied that there is capacity away from Blakeney Avenue to absorb any limited overspill parking in relation.

Please include the following in any permission.

Conditions:

H03

H32

Informative

DI16 (Crossover)

Environmental Health - Recommend the following informative:

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.

I would also recommend the following conditions as the site is within an Air Quality Management Area:

The application site is located within an Air Quality Management Area declared for NOx. In order to minimise the impact of the development on local air quality any

gas boilers must meet a dry NOx emission rate of <40mg/kWh (To minimise the effect of the development on local air quality within an Air Quality Management Area in line with NPPF p124 and Policy 7.14 of the London Plan).

Drainage - No comments.

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.

The application falls to be determined in accordance with the following policies National Planning Policy Framework (2018)

London Plan Policies

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 5.1 Climate change mitigation

Policy 5.2 Minimising carbon dioxide emissions

Policy 5.3 Sustainable design and construction
Policy 5.7 Renewable energy
Policy 5.9 Overheating and cooling
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 5.14 Water quality and wastewater Infrastructure
Policy 5.15 Water use and supplies
Policy 5.16 Waste net self-sufficiency
Policy 5.17 Waste capacity
Policy 5.18 Construction, excavation and demolition waste
Policy 6.5 Funding Crossrail and other strategically important transport infrastructure
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 7.14 Improving Air Quality
Policy 8.2 Planning obligations
Policy 8.3 Community infrastructure levy

Unitary Development Plan

BE1 (Design of New Development)
H8 Residential Extensions)
BE7 (Railings, Boundary Wall and Other Means of Enclosure)
H1 (Housing Supply)
H7 (Housing Density and Design)
H8 (Residential Extensions)
H9 (Side Space)
H11 (Residential Conversions)
T1 (Transport Demand)
T3 (Parking)
T7 (Cyclists)
T18 (Road Safety)

Emerging Local Plan

Policy 1 Housing Supply
Policy 4 Housing Design
Policy 8 Side Space
Policy 9 Residential Conversions
Policy 37 General Design of Development
Policy 30 Parking
Policy 32 Road Safety

Supplementary Planning Guidance

Supplementary Planning Guidance 1 General Design Principles
Supplementary Planning Guidance 2 Residential Design Guidance
Mayor's Housing Supplementary Planning Guidance 2016

The Nationally Described Space Standards (2015)

Planning History

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

16/04172/HHPA-Single storey rear extension, extending beyond the rear wall of the original house by 6m, for which the maximum height would be 4m, and for which the height of the eaves would be 3m. (42 Day Notification for Householder Permitted Development Prior Approval)-Prior Approval Not Required- Date issued-12.10.2016

16/04834/PLUD-Construction of a ground floor 6x4.5m extension for which prior approval was determined under ref 16/04172/HHPA, construction of a two storey 3m extension and construction of rear dormers to form a loft room -LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)-Proposed Development is not Lawful- Date issued-29.11.2016

16/05521/PLUD-Construction of a ground floor 6m x 4.5m extension for which prior approval was not required under ref: 16/04172/HHPA, construction of a ground floor 3m extension and construction of rear dormers to form a loft room LAWFUL DEVELOPMENT CERTIFICATE (PROPOSED)-Proposed Development is Lawful-Date issued-16.01.2017

17/01744/FULL6-Part conversion of garage, single storey rear extension and rear dormer extensions to form habitable accommodation in the roof space. - Application Permitted- Date issued-15.06.2017.

Condition 3:

3. 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.

Condition 5:

5. The additional accommodation hereby approved shall be used only by members of the household occupying the dwelling at 13 Blakeney Avenue; and shall not be severed to form a separate self-contained unit

Reason: In order to comply with Policy H8 of the Unitary Development Plan, to ensure that the accommodation is not used separately and un-associated with the main dwelling and so as to prevent an unsatisfactory sub-division into two dwellings.

17/03525/FULL1 - Conversion of single family dwelling into 2 x 1 bedroom and 1 x 2 bedroom flats. Refused for the following reasons:

1. The proposed conversion would lead to a poor standard of residential accommodation, resulting in an over-intensification of the site, contrary to Policy 3.5 of the London Plan (2016) and Policy H11 of the Unitary Development Plan (2006) and Draft Policy 9 of Bromley's Emerging Draft Local Plan (2016).
2. The proposed parking layout is inappropriate for two cars, this would lead to undue manoeuvring and additional pressure on neighbouring streets by cars being parked surrounding roads, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan (2006) and Draft Policy 32 of Bromley's Emerging Draft Local Plan (2016).
3. The conversion of the host dwelling into 3 flats would be unacceptable in principle, out of character with the prevailing pattern, character and distinctive residential qualities of the locality, thereby contrary to Policies BE1 and H11 of the Unitary Development Plan, Policies 9 and 37 of the draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

The above application was dismissed on appeal under ref:
APP/G5180/W/18/3194638.

17/05492/RECON - Variation of Condition 3 of permission: 17/01744/FULL6 to allow increase in ridge height and size of the rear 'L' shape dormer and conversion of garage into kitchen with two windows, amendments revising the internal arrangements, elevational alterations and window fenestration. Refused.

The above application was allowed on appeal under ref:
APP/G5180/D/18/3202672.

17/05869/FULL1 - Conversion of the existing dwelling into 2 dwellings. The Council resolved to contest the applicant's appeal for non-determination for the following reasons:

1. The proposal would result in unsatisfactory parking arrangements, being inappropriate for two cars which would lead to undue manoeuvring and additional pressure on neighbouring streets by cars being parked surrounding roads, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions

and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan (2006) and Policy 32 of the Emerging Local Plan (Submission Version 2017).

2. The proposed rear roof extensions shown in the application as an integral part of the scheme would cause significant harm to the character of the area, appearance of the host dwelling and the visual amenities of the street scene given its overall size, scale, massing and projection above the roof slope contrary to Policy BE1 and H8 of the Unitary Development Plan and Policies 6, 37 and 41 of the Emerging Local Plan.
3. The conversion of the host dwelling into 2 dwellings would be unacceptable in principle, out of character with the prevailing pattern, character and distinctive residential qualities of the locality, thereby contrary to Policies BE1 and H11 of the Unitary Development Plan, Policies 9 and 37 of the draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

The above application was dismissed at appeal under ref:
APP/G5180/W/18/3203086.

Considerations

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

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

Principle of conversion into flats.

Policy H11 outlines that proposals for the conversion of a single dwelling into two or more self-contained residential units will be permitted provided that:

- The amenities of occupiers of neighbouring dwellings will not be harmed by loss of privacy, daylight or sunlight or by noise and disturbance
- The resulting accommodation will provide a satisfactory living environment for the intended occupiers
- On street or off street parking resulting from the development will not cause unsafe or inconvenient highway conditions
- The proposal will not lead to the shortage of medium or small sized family dwellings in the area

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. In addition, London Plan Policies 7.4 and 7.6 seek to enhance local context and character, when assessing the overall acceptability of a proposal.

The application is a resubmission of planning ref: 17/03525/FULL1, which sought permission for the conversion of the existing dwelling into three flats. This application was refused in part for the following reason:-

3. The conversion of the host dwelling into 3 flats would be unacceptable in principle, out of character with the prevailing pattern, character and distinctive residential qualities of the locality, thereby contrary to Policies BE1 and H11 of the Unitary Development Plan, Policies 9 and 37 of the draft Local Plan and Policies 7.4 and 7.6 of the London Plan.

A further planning application was then submitted under ref: 17/05869 for the conversion of the property into two self-contained units. Members resolved to refuse this application for a similar reason.

Both applications were subsequently appealed as highlighted within the history section above. In considering the merits of conversion the Planning Inspector observed that "Blakeney Avenue is a cul-de-sac comprising mainly similar sized semi-detached houses to both sides of the road. Exceptions to this are at 2 and 2a Blakeney Avenue where an additional dwelling has been provided in a side extension and no. 17 which appears to have been constructed as two maisonettes. At the far end of the road is Rye Court a purpose built development of flats."

In paragraph 9 of the appeal decision the Inspector goes on to state that "Whilst there would not appear to be any dwellings in Blakeney Avenue that have been converted into flats, the immediate locality is wholly residential in nature and includes dwellings other than single dwelling houses. The appeal property forms a particularly large dwelling, albeit this is partly due to recent additions. Its subdivision to flats would not in itself result in any significant external changes to the building in either appeal proposal. Having regard to these matters, the subdivision of the building would not adversely affect the character of the locality and would not thereby be contrary to Policy BE1 of the Unitary Development Plan (2006) that requires new development to not detract from the existing streetscene".

The current proposal seeks to convert the existing property into three self-contained flats. Similar to the scheme assessed at appeal (Appeal A under ref: APP/G5180/W/18/3194638). This would comprise a vertical separation of a recessed side element to form a one bedroom dwelling with a new side entrance, and the provision of two units within the main part of the dwelling, comprising a one bedroom dwelling at ground floor level and a two bedroom flat on the upper floors.

The property has undergone significant renovation work permitted by various applications and most recently appeal ref: APP/G5180/D/18/3202672. The current application does not seek to make any alterations to the building, save for an area of planting on the existing frontage. The entrance to the new dwelling within the recessed element would continue to the side, similar to the appealed case and the property would still have the appearance of a single dwelling from the frontage.

The Inspector specifically states that "The subdivision to flats would not in itself result in any significant external changes to the building in either appeal" and that "The subdivision of the building would not adversely affect the character of the area".

Therefore in this case, when taking into account the most recent appeal decisions it is considered that the conversion of the property into three self-contained flats would not result in harm to the character and appearance of the locality. In relation to Policy H11 no objections were raised previously to a loss of medium to small sized family accommodation. The remaining criterion surrounding highway safety, standard of accommodation and neighbouring amenities are discussed below.

Design.

No external alterations are proposed to the body of the dwelling. However a new area of planting and wall are proposed on the existing frontage. This would generally soften the existing area of hard landscaping and would enhance the frontage. No objections are therefore raised on design grounds.

Standard of residential accommodation

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 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.

Policy 3.5 of the London Plan and the Housing SPG (2016) Standard 24 states the minimum internal floor space required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Technical housing standards - nationally described housing standard (NDSS) (2015).

The proposal would provide three self-contained dwellings. As noted above this comprises a one bedroom dwelling within the recessed side element and this would be over two storeys. Two units would be located within the main bulk of the dwelling, with a one bedroom unit on the ground floor and a two bedroom 3 person unit on the upper floors.

The NDSS provides the following minimum space standards:-

1 bedroom 2 person unit - 50sqm

1 bedroom 2 person unit (over two storeys) - 58sqm.

2 bedroom 3 person unit (over two storeys) - 70sqm

The two 1 bedroom units would comply with the above standards.

However, the Council previously raised objections to the standard of accommodation of the upper floor 2 bedroom unit. The Inspector made the following observation in respect of this:

"The Council considers that the size and layout of the two single bedroom units to conform to the Nationally Described Space Standards and I concur with this finding. However, it found fault with the initially submitted plans for the 2 bedroom unit in relation to inadequate double bedroom sizes and a poor layout for the second floor front bedroom in relation to the proportion covered by a sloping ceiling. Whilst the appellant submitted revised floor plans for this unit to address these concerns, the Council claim this was not received in time for their formal consideration. The revised plans shows an adequately sized double bedroom at first floor level, a single bedroom for the rear room at second floor level benefitting from a dormer, and a snug in the second floor front room with a sloping ceiling. To my mind, this rearrangement of rooms overcomes the Council's concerns and would result in a unit of satisfactory size and layout."

In this case the upper floor unit would have an adequately sized double bedroom at first floor level, a single bedroom for the rear room at second floor level and a study (labelled as a snug in appeal decision) in the second floor front roof with a sloping ceiling. The Inspector considered the revised arrangement to be acceptable in terms of layout and unit size and as such no objections are in raised to the proposed layout of this current 2 bedroom unit.

The Inspector concluded that "The proposal in Appeal A (the three flat scheme) would not lead to a poor standard of residential accommodation and given the building's overall size would not result in an over-intensive use of the site'.

Private amenity space would be provided to the rear of the properties. The arrangement is considered to be acceptable.

Therefore, given the similarities to the scheme assessed at appeal no objections are raised in relation to the proposed standard of accommodation in this case.

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 development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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. Furthermore, Policy H11 states that on street or off street parking resulting from the development should not cause unsafe or inconvenient highway conditions.

The most recent applications to convert the properties into 3 flats were refused in part for the following reason:

"The proposed parking layout is inappropriate for two cars, this would lead to undue manoeuvring and additional pressure on neighbouring streets by cars being parked surrounding roads, leading to a significant risk to traffic and pedestrian safety, by reasons of illegal or unsuitable parking and on-street manoeuvring, which would be prejudicial to the free flow of traffic conditions and general safety in the highway, contrary to Policy T18 of the Unitary Development Plan (2006) and Draft Policy 32 of Bromley's Emerging Draft Local Plan (2016)."

The original three unit scheme included the provision of 3 off-street parking spaces; however this was then reduced to two spaces during the life of the application. The provision of 2 off-street parking spaces was also considered at appeal stage.

Blakeney Avenue is a cul-de-sac with a narrow carriageway, which has a Public Transport Accessibility Level (PTAL) of 3 (moderate level of accessibility). Cars generally park on one side of the road and there is a turning and parking bay towards the end of the road close to the entrance with Rye Court. The Inspector of the most recent appeal observed that "The front gardens to the semi-detached houses on both sides of the road are just about deep enough for many to have provided a frontage parking area. There is hardstanding area across the whole of the front garden at the site, but the vehicle crossover is limited to in front of the recessed side element to the building where there was previously a garage".

The application proposes three dwellings. A one bedroom unit would be situated within the recessed element and this unit would also be allocated one off-street parking space, which is situated directly in front of the living room window. No off-street parking is proposed for the two units within the main part of the building. An area of planting is proposed for a large portion of the remaining frontage. The application is also supported by a transport note indicating the vehicular crossover would also be amended.

There have previously been concerns about the depth of the parking space and cars overhanging the footway, but the Inspector noted that "The space between the footway and the front wall of the recessed element is deep enough to park a small car without overhanging the footway." However it was observed that the cars would have had to park very close to the lounge window of the unit within the recessed element and that occupiers of this unit (if they were not allocated the parking space) would be likely to suffer some nuisance in respect of car noise and headlamps, particularly due to the low cill height of the front window and proximity of the cars. Whilst the inspector observes the difficulties in manoeuvring various vehicles on the frontage in relation to separate units, along with the issues of

nuisance, it is stated in para 16 of the appeal decision that "The appellant would be content with the frontage restricted to a single parking space. This would potentially address concerns I have raised, depending on how the space is allocated, but would likely to result in an off-street parking consequence for the proposal in both appeals."

It is therefore necessary to consider the impact of off-street parking on the surrounding road network.

As with the previous submissions the application is supported by two parking surveys and a further transport note has also been provided with this application. Objections have been raised regarding these surveys being out-of-date and the methodology employed, however the Highways officer has not indicated they are out-of-date and no objections were raised by the Inspector with regards to the methodology employed. Additionally, there does not appear to have been any developments within close proximity which could have resulted in a material change to the conditions of the local road network.

The surveys were undertaken on three week days at 05:00, 08:00, 10:00 and 18:30. They demonstrate that Blakeney Avenue is considerably over stressed, but in the opinion of the Inspector the surveys indicated that there is capacity for on-street parking on Monivea Road and Blakeney Road.

The Inspector however observed that "Monivea Road is a narrow unmade road. Some local residents have suggested that it should not be used for overflow parking as it is maintained by residents of that road, not by the Council, and that there would be no contribution to its maintenance. Furthermore, that parking in a private road without permission or a legal right to do so is trespassing, and is a civil wrong for which redress can be obtained. Blakeney Road is a busy distributor road and whilst the council consider that additional parking should be avoided here due to bends in the road, and some local residents have commented that street parking here is unsafe, the evidence from the surveys is that there is scope for parking, particularly for the overnight period when traffic flows in Blakeney Road would be lower and parking stress in Blakeney Avenue at its highest".

Notwithstanding, the Inspector states that "I am satisfied that there is capacity away from Blakeney Avenue to absorb any limited overspill parking in relation to both appeals".

However, at the time of the appeal it was considered that the convenience of parking on or close to the site would have been a discouragement to more remote parking, particularly as the width of the front garden could have accommodated more than one car. The Inspector didn't however disagree with the applicants assertion that the parking requirements for the existing dwelling with 7 bedrooms would be dissimilar in nature to that of the proposed mixes of dwellings, but it was considered that the "Shuffling and manoeuvring of cars on the forecourt to enable all cars to safely exit the site would only be possible with the property operating as a single dwelling. It would not be practical with the sub-division proposed in either appeal, at least with the present access arrangements."

Subsequently, the previous two off-street parking spaces were considered to be sub-standard and would have resulted in a road safety hazard. At the time of the appeal there was a suggestion that the existing crossover could have been widened to allow two cars to manoeuvre in and out of the space but the Inspector noted this was subject to a separate consent regime and couldn't have been considered within the scope of those appeal.

The parking on the frontage has therefore been revised to address the above concerns and would now be limited to one space.

The Highways officer has indicated that 2 off-street parking space could potentially still be accommodated but the applicant has provided an updated transport note which states that "Consideration was given to the widening of the vehicle crossover to accommodate two vehicles; however, upon detailed review, it would not be possible to do so without contravening Bromley's guidance for the construction of vehicle crossovers as the required geometry cannot quite be achieved without a wider site frontage".

The Inspector made the following conclusions:-

"Paragraph 109 of the Framework states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe". Whilst there would be scope for any limited overspill parking to be absorbed in the surrounding road network, the proposed on-site parking arrangements would be unsatisfactory and be likely to result in unsuitable manoeuvring that would be prejudicial to highway safety. The proposal in both appeals would thereby be contrary to policy T18 of the UDP that seeks to ensure that road safety is not adversely affected by development proposals".

The current scheme now only proposes one car parking space and this would be allocated to the one bedroom unit within the recessed element. A wall would be constructed to the side to allow access to the side of 13 Blakeney (the recessed unit) in addition to planting on the right hand side to prevent inappropriate parking and to ensure only a single vehicle is able to park across the frontage.

Therefore the concerns regarding inappropriate manoeuvring, inadequate space on the frontage and the degree of nuisance experienced the one bedroom unit immediately in front of the parking space have been satisfactorily addressed.

Whilst the greater parking demand would still likely arise from the two bedroom dwelling within the main part of the building, the Inspector considered that there was sufficient capacity away from Blakeney Avenue to absorb any limited overspill parking. In light of the revised parking arrangement and assessment of the appeal Inspector with regards to capacity on the surrounding network in respect of a similar three unit scheme it is considered that the proposal is now on balance acceptable. Finally, a condition could be imposed to ensure the parking arrangements remain in perpetuity.

A refuse storage area would continue to be at the rear, similar to previous schemes. No objections were previously raised to this arrangement.

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 proposal does not involve any external alterations to the building. Therefore, the main consideration is whether the proposal would lead to a loss of amenity to neighbouring properties by way of noise and disturbance. As outlined above, the property could accommodate a large family. It is considered that the comings and goings of three dwellings would be comparable with that of a large single family dwelling. It is noted that no objections were raised in respect of harm to neighbouring residential under ref: 17/03525/FULL1 or 17/05869/FULL1 and additionally the Inspector notes that "The Council did not consider any adverse effect on the living conditions of neighbouring occupiers to be sufficient to warrant refusal of either application on these grounds. My findings concur with those of the Council on this issue. As such, no undue loss of amenity is considered to neighbouring residents".

CIL

The Mayor of London's CIL is a material consideration. CIL is not payable on this application and the applicant has completed the relevant form.

Conclusion

Having regard to the above it is considered that the conversion of the property into three flats would not result in harm to the character of the area. The development would provide a satisfactory standard of accommodation and there would be no harm to neighbouring residential amenities. Finally the changes to the parking arrangement have satisfactorily address previous objections and are now considered to be on balance acceptable. The proposal is therefore considered to be in accordance with Policies BE1 and H11 of the Unitary Development Plan (2006).

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 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.

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 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."