

SECTION '2' – Applications meriting special consideration

Application No : 18/05281/FULL1

Ward:
**Bromley Common And
Keston**

Address : 32 Lower Gravel Road Bromley BR2 8LJ **Objections: No**

OS Grid Ref: E: 542570 N: 166166

Applicant : Mr Xhebexhia

Description of Development:

Construction of a new attached two-bedroomed house

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 22

Proposal

The application seeks planning permission for an attached two bedroomed house. The ground floor of the dwelling will measure 4.0m in width for a depth of 14.5m. The first floor element of the proposed will measure 10.7m in depth with a width of 4.0m which increases to 4.2m at the rear. The proposed dwelling will measure 8.3m in height at its maximum pitching down to 5.6m at the eaves. The single storey rear element of the proposed will project out in line with the existing rear extension of No.32 at a depth of 3.1m and width of 2.8m. The rear projection will have a maximum height of 3.1m with a roof lantern that projects 0.4m from the flat roof. For the proposed dwelling one off street parking space is proposed to the rear of the application site and one to the front. An off street parking space is also proposed to the front of the existing dwelling.

Location and Key Constraints

The application site comprises a two storey semi-detached dwelling located on the corner of Lower Gravel Road and Ribston Close, Bromley. The property is not listed and does not lie within any area of special designation.

Comments from Local Residents and Groups

Nearby owners/occupiers were notified of the application and one representation was received which supports the proposal.

Comments from Consultees

Highways:

Comments received 17.12.2018:-

Please ask the applicant to clarify if the crossover from the front will be kept for the new house and the proposed rear parking is for the donor house.

No one will park at the rear and walk to the entrance to the front of the house. I think the existing crossover can be extended away from the junction and 2 parking spaces created 1 each for donor and proposed house. It all depends how much depth is available from bay window to the footpath. I am not sure if the applicant has explored this option.

Comments received 14.01.2019:-

The applicant was asked to clarify if the crossover from the front will be kept for the new house and the proposed rear parking is for the donor house. My concern was that resident will not park at the rear and walk to the entrance to the front of the house. I thought the existing crossover can be extended away from the junction and 2 parking spaces created 1 each for donor and proposed house. I was not sure if the applicant has explored this option.

The applicant has now amended the drawing and shown a parking space accessing from the Lower Gravel Road. I have double checked that there is depth available from bay window to the footpath which is 5.25m. I have also checked with Area management team and they are happy to extend the existing crossover to facilitate another parking space to the front. The applicant can also apply for the other crossover from Ribston Close as a second parking space for the donor house.

Please include the following with any permission:-

Condition:-

OC03 (Satisfactory parking)

AG24 (Highway drainage) details of ACO channel and soakaway pit.

Non Standard Condition:-

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

Informative:-

DI16 (Crossover)

Non Standard informative:-

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

Housing: The applicant is advised to have regard to the Housing Act 1985's statutory space standards contained within Part X of the Act and the Housing Act 2004's housing standards contained within the Housing Health and Safety Rating System under Part 1 of the Act.

Drainage: Thames Water should be consulted because a foul public sewer crosses the site. The applicant is committed to discharge surface water run-off into a soakaway. Please impose condition PC06.

Thames Water:

Waste Comments:-

There are public sewers crossing or close to your development. If you're planning significant work near our sewers, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.

<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

Thames Water would advise that with regard to waste water network and waste water process infrastructure capacity, we would not have any objection to the above planning application, based on the information provided.

Water comments:-

On the basis of information provided, Thames Water would advise that with regard to water network and water treatment infrastructure capacity, we would not have any objection to the above planning application. Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

Waste Services: No comments received.

Policy Context

Section 70(2) of the Town and Country Planning Act 1990 (as amended) sets out that in considering and determining applications for planning permission the local planning authority must have regard to:-

- (a) the provisions of the development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations.

Section 38 (6) of the Planning and Compulsory Purchase Act (2004) makes it clear that any determination under the planning acts must be made in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Bromley comprises the London Plan (March 2016) and the Bromley Local Plan (2018). The NPPF does not change the legal status of the development plan.

The application falls to be determined in accordance with the following policies:

London Plan Policies

- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 6.9 Cycling
- 6.13 Parking
- 7.4 Local Character
- 7.6 Architecture

Bromley Local Plan

- 1 Housing Supply
- 3 Backland and Garden Land Development
- 4 Housing Design
- 8 Side Space
- 30 Parking
- 37 General Design of Development

Supplementary Planning Guidance

- SPG1 - General Design Principles
- SPG2 - Residential Design Guidance
- Housing: Supplementary Planning Guidance (March 2016)
- Technical housing standards - Nationally Described Space Standard (March 2015)

Planning History

90/00854/FUL - Detached double garage - Application Permitted.

92/00177/FUL - Single storey side and rear extension - Application Permitted.

18/00447/FULL6 - Part one/two storey side and rear extension - Application Refused.

Reason for Refusal:

The proposed two storey side extension, by reason of its bulk and lack of adequate side space, would result in a cramped form of development and appearance within the streetscene. The proposed height and width of the extension would also have an unbalancing effect on the semi-detached properties which would be harmful to their scale and sitting when viewed from Lower Gravel Road. The proposed extension would therefore result in a detrimental impact upon the spatial standards and visual amenity of the area and harm to the appearance of the host dwelling, contrary to Policies H9, H8 and BE1 of the Unitary Development Plan and Policies 37, 6 and 8 of the Draft Local Plan.

18/04298/FULL6 - Double storey side and part ground floor rear extension - Application Permitted.

Considerations

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

- o Principle
- o Design
- o Standard of Residential Accommodation
- o Neighbouring Amenity
- o Highways
- o Sustainability
- o CIL

Principle

The NPPF (2018) sets out in paragraph 11 a presumption in favour of sustainable development. In terms of decision-making, the document states that where a development accords with an up to date local plan, applications should be approved without delay. Where a plan is out of date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing is a priority use for all London Boroughs. Policy 3.3 Increasing housing supply, Policy 3.4 Optimising housing potential and Policy 3.8 Housing choice in the London Plan (2016) generally encourage the provision of redevelopment in previously developed residential areas provided that it is designed to complement

the character of surrounding developments, the design and layout make suitable residential accommodation, and it provides for garden and amenity space.

Policies including 3.3 of The London Plan 2016 and Policy 1 of the Bromley Local Plan have the same objectives. The London Plan's minimum target for Bromley is to deliver 641 new homes per year until 2025.

Bromley Local Plan Policy 3 - Backland and Garden Land Development 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 upon 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 or existing occupiers through loss of privacy, sunlight, daylight and disturbance from additional traffic; and a high standard of separation and landscaping is provided.

The supporting text states that in the past the role of small sites in providing additional housing within the Borough has been significant. It is important to also consider the value of backland and garden land in helping to define local character. There is a risk that inappropriate development of these small sites over time could adversely impact upon local character, especially as the availability of sites diminishes.

The NPPF also specifies that windfall sites are normally previously developed sites. Core planning principles include; seeking high quality design and a good standard of amenity for all existing and future occupants of land and buildings, taking account of the different roles and character of different areas and encouraging the effective use of land by reusing land that has been previously developed.

The application site consists of a two storey semi-detached residential dwelling and the area of land to its side and rear. The land on which the development would sit forms part of the outdoor garden space for No.32 and therefore Policy 3 of the Bromley Local Plan is relevant. As set out above the policy states that new residential development will only be acceptable on garden land if certain criteria are met. The application site is situated within an area which is predominantly made up of detached and semi-detached houses. Each of these houses is positioned within their defined plots with front entrances that face onto Lower Gravel Road. While the properties are of varying sizes none are the result of an extension to an existing dwelling.

It is recognised that the host dwelling benefits from planning permission for a side and rear extension which is of a similar design, scale and bulk as the proposed. In this instance the proposal includes the addition of a porch which positions the front entrance of the proposed onto Ribston Close. This front porch leads to the development being read as a separate dwelling and not as an extension to a semi-detached property. As a result the additional dwelling turns a pair of semi-detached dwellings into a terrace of three. As a terrace the proposed unbalances the two dwellings which are of a particular architectural style and which sit within spacious

plots on a prominent corner. Its proposed positioning on this prominent corner also leads to a crowding of the junction between Lower Gravel Road and Ribston Close. The aspects of the development which make it acceptable as an extension (i.e. being set back from the front elevation of No.32 and having a lower ridge height) result in the structure being a discordant feature in the context of the streetscene when read as an additional dwelling which has a negative impact on the character of the wider area.

The proposed development would result in the subdivision of the garden, and the loss of the area along the side of No.32. The large garden area is a key characteristic of the host dwelling and its subdivision would create two narrow plots that would impact on the amenity space for future occupiers of both the additional dwelling and of No.32. The amenity space left for the additional dwelling is also impacted on by the proposed parking space to the rear which would result in the further loss of garden space. It is recognised that the approved extension would have resulted in the loss of the area to the side of No.32. However, the development is for one whole unit and as a result the rear of the plot would not be divided into two with the additional space created by the extension available for the enjoyment of future occupiers of the host dwelling.

While the development as an extension has been determined to be an acceptable addition to the host dwelling, as an additional unit it would result in an intensified use of the land. This intensification would change the character of its use and would have a negative impact on the amenity of future occupiers to both No.32 and the proposed unit.

Therefore, the land is not considered suitable in principle for further residential development when taking account of the above, the advice of the NPPF and local and national policies in relation to development on garden land.

Design

Design is a key consideration in the planning process. Good design is an important aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 124 of the NPPF (2018) states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 127 of the NPPF (2018) requires Local Planning Authorities to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). New development shall also establish or maintain a strong sense of place, using the

arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

London Plan and Bromley Local Plan policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design.

The ground floor element of the proposed dwelling will sit in line with the front elevation of No.32. This element of the proposed will retain the separation distance of 6.0m to the public highway and the first floor element will be set back a further 0.8m from the front elevation. The roof of the proposed will be pitched to mirror the roof of No.32 with a ridge height that is 0.3m lower. Towards the rear of the proposed the ridge line will sit 0.6m lower than that of No.32 which, coupled with the pitched roof, will help to reduce its scale and bulk along Ribston Close. A minimum 2.0m side space will be kept from the flank elevation to the boundary for the full height and length of the building in line with the requirements set out in Policy 8 of the Bromley Local Plan.

As stated above the entrance to the property would face onto Ribston Close which leads to the structure being read as an additional property rather than as an extension to a semi-detached dwelling. When read as an additional dwelling the proposed creates a terrace of three and its design results in an unbalancing of the existing dwellings. It is considered that this unbalancing would unduly harm the character and appearance of the host dwelling and the general character of the streetscene. While the houses along Lower Gravel Road are of varying size and design there is a degree of uniformity with each sitting within their defined plots with front entrances that face onto Lower Gravel Road. It is considered that the design of the proposed dwelling would be disruptive to this uniformity and harmful to the general character of the area as a result of its scale, form and layout.

On this basis it is considered that the development of an additional dwelling would not complement the scale, form and layout of adjacent buildings and would cause significant harm to the character and appearance of the area.

Standard of Residential Accommodation

In March 2015 the Government published The National Technical Housing Standards. This document prescribes internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Gross Internal Areas in this standard will not be adequate for wheelchair housing (Category 3 homes in Part M of the Building Regulations) where additional internal area is required to accommodate increased circulation and functionality to meet the needs of wheelchair households.

Policy 4 of the Local Plan sets out the requirements for new residential development to ensure a good standard of amenity for future occupiers. 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 Government's 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.

Policy 3.5 of the London Plan and the Housing SPG (2016) states the minimum internal floorspace required for residential units on the basis of the level of occupancy that could be reasonably expected within each unit should comply with Nationally Described Housing Standards (2015).

The floorspace of the proposed unit is approximately 88.81m² as scaled from the drawings. Details have not been provided on the number of persons the unit is proposed for. The nationally described space standard 2015 set out that in order to provide two bedspaces a bedroom is required to have a floor area of at least 11.5m². The proposed floor plans indicate one bedroom with a floor area of approximately 12.21m² and a second bedroom with a floor area of 13.32m². The proposal has therefore been assessed against the minimum space standards for a two bedroom four person unit. Table 3.3 of the London Plan requires a Gross Internal Area of 79m² for two storey dwellings that are two bedroom four person units. With regard to the above it appears that the size of the proposed unit for its intended occupancy would comply with the minimum standards contained in the London Plan.

The nationally described space standard set a minimum ceiling height of 2.3 metres for at least 75% of the gross internal area of the dwelling. The London Plan states that a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The section drawing on the submitted plans indicates that the dwelling would have a floor to ceiling height of 2.6m which reduces to 2.4m for the single storey rear element. Taking this into account it is considered that the proposed dwelling would provide a unit of adequate quality in line with the requirements of London Plan Policy 3.5 and Policy 4 of the Bromley Local Plan.

It is proposed to divide the existing garden area of No.32 into two. As a result of the division the garden for the proposed dwelling would measure approximately 82m². The remaining garden for No.32 would then measure approximately 78m².

It is considered that the proposed amenity space will be an adequate provision for future occupiers of the dwelling with direct access to the garden from the rear of the building. It is also considered that the division of the garden area would not result in the existing dwelling being left with an inadequate amenity space.

Neighbouring Amenity

Policy 37 of the Bromley Local Plan 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 first floor rear element of the proposed dwelling would project past part of the rear wall of No.32 by 3.7m. The first floor rear of No.32 is 'L' shaped with a window that serves a bedroom positioned adjacent to the proposed dwelling. The proposed rear projection would enclose this rear window creating a visually dominant form of development which would result in a loss of outlook, prospect and daylight to the occupiers of No.72, contrary to Policy 37 of the Bromley Local Plan.

The proposed dwelling would be separated from other neighbouring properties by Lower Gravel Road and Ribston Place. Taking into account the separation distance between the properties, positioning of the proposed dwelling and the orientation of the site it is considered that the development would not result in overshadowing, loss of light or an overbearing impact to other neighbouring properties. The proposed window in the flank elevation at first floor will serve a bathroom. The window is indicated as being obscure glazed which can be secured by condition as part of any approval to reduce overlooking and loss of privacy. The proposed windows to the front and rear elevations, because of their location and size, would not result in an increased chance of overlooking over and above that which already exists from No.32.

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 Bromley Local Plan Policies encourage sustainable transport modes whilst recognising the need for appropriate parking provision. Car parking

standards within the London Plan and Bromley Local Plan should be used as a basis for assessment.

Following the submission of the amended plans, received on 14th January, two off street parking space would be provided for the proposed house, one to the front of the dwelling and one at the rear. An off street parking space is also proposed to the front of the existing dwelling. No objection has been raised from the Council's Highways Officer subject to inclusion three conditions. Therefore due to the relatively minor impact the additional unit will have on parking issues in the vicinity it is considered the proposal would generally be in accordance with Bromley Local Plan Policy 30 and Policy 6.13 of the London Plan.

Cycle parking

Cycle parking is generally required to be 1:1 for residential development. The applicant has provided details of a location for lockable cycle storage. The proposed unit is for two bed four persons and as part of the development sufficient garden space is to be provided which would allow for adequate cycle storage. It is therefore considered that the proposal is generally in accordance with Policy 6.13 of the London Plan.

Refuse

The applicant has provided details on the submitted plans which show the provision of adequate facilities for refuse and recycling. A condition can be included as part of any approval to ensure the facilities are completed prior to occupation in accordance with Policy 37 of the Bromley Local Plan.

Sustainability

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

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

CIL

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

Conclusion

It is considered that the development in the manner proposed is unacceptable in principle as it would constitute garden land development which would have an impact on the character, appearance and context of the area by reason of its scale, design and siting. The development would also result in a significant loss of amenity to local residents contrary to Policies 1, 3, 4 and 37 of the Bromley Local Plan.

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.

as amended by documents received on 14.01.2019

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

01: The proposed development constitutes garden land development where there is an unacceptable impact upon the character, appearance and context of the area by reason of scale, design and siting and the amenity of future occupiers through the subdivision of the plot. The development would impact on the surrounding development pattern and spatial layout of the area and would have a serious and adverse effect on the visual amenity of the streetscene contrary to Policies 1, 3, 4 and 37 of the Bromley Local Plan.

02: The proposed two storey rear element of the proposed dwelling, by reason its depth and positioning, would result in a dominant form of development, harmful to the neighbouring residential amenities of No.32 by way of a loss of outlook, prospect and daylight contrary to Policy 37 of the Bromley Local Plan.