

Section '4' - Applications recommended for REFUSAL or DISAPPROVAL OF DETAILS

Application No : 18/04612/FULL1

Ward:
Petts Wood And Knoll

Address : 34 Hollingworth Road Petts Wood
Orpington BR5 1AQ

OS Grid Ref: E: 543627 N: 167024

Applicant : Mr & Mrs Bolton

Objections : YES

Description of Development:

Demolition of existing garage and sub-division of existing plot to create one new two-bedroom detached dwelling with associated parking and garden. New dividing fence.

Key designations:

Biggin Hill Safeguarding Area
London City Airport Safeguarding
Smoke Control SCA 8

Proposal

Planning permission is sought for the demolition of existing garage and sub-division of existing plot to create one new two-bedroom detached dwelling with associated parking and garden together with a new dividing fence.

The new house would be 6m deep and 7m wide with a pitched roof to a maximum height of approximately 8.3m. The new dwelling proposes a mix of traditional materials utilising tile hanging and brick to present the contemporary approach to the new dwelling.

This application was called into committee by the Local Ward Councillor.

Location and Key Constraints

The application site consists of a detached dwelling with detached garage to the rear. The site is located on the junction of Hollingworth Road and Prescott Avenue with the existing garage accessed via Prescott Avenue.

The houses in Hollingworth Road and Prescott Avenue all occupy similar sized plots which are generous in their proportions offering ample private amenity space for occupiers.

The site is not located within any designated Conservation Area.

The site is within a low public transport accessibility level area (PTAL) of 1b on a scale of 1 - 6b where 6b is excellent.

Comments from Local Residents and Groups

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

- Concern over parking as road is already very congested;
- The Design and Access Statement shows the wrong site which is larger than the application site;
- The property is going to be on Prescott Road not Hollingworth Road as set out in the Design and Access Statement;
- There is a need for social housing, but this will not be for social housing;
- Schools are already oversubscribed;
- Proposed dwelling not in keeping with the area and use of materials;
- House will be taller than donor dwelling;

Please note the above is a summary of objections received and full text is available on the Council's website.

Comments from Consultees

Environmental Health (Pollution):

No objections subject to appropriate condition regarding pollution.

Highways:

This is all together a different proposal than the previous application.

The PTAL score for the site is 1b (low) meaning that car ownership can be expected in connection with the proposed dwellings.

There is on-site parking for more than 2 vehicles for the donor house and 1 parking is proposed for the new two-bedroom detached dwelling.

The nearby streets appear capable of accommodating on-street parking without significant detriment to highway considerations and there is no accident history in this location.

Consequently there are no objections to this proposal from the highway point of view subject to conditions regarding parking layout, refuse and cycle parking.

Drainage Engineer:

No objections subject to condition regarding Surface Water Drainage.

Policy Context

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

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

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

The National Planning Policy Framework was published on 24 July 2018 and updated on 19 February 2019.

The development plan for Bromley comprises the Bromley Local Plan (Jan 2019) and the London Plan (March 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:

London Plan (2016):

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.13 Sustainable Drainage
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.4 Local character
- 7.5 Public Realm
- 7.6 Architecture
- 8.3 Community infrastructure levy

Bromley Local Plan (2019):

- Policy 1 Housing Supply
- Policy 4 Housing Design
- Policy 37 General Design of Development
- Policy 30 Parking
- Policy 32 Road Safety

Other Documents:

Supplementary Planning Guidance 1: General Design Principles

Planning History

16/02405/FULL1 - Demolition of existing dwelling and construction of a pair of semi-detached two storey (with accommodation in the roof space) three bedroom dwellings, associated parking, hard and soft landscaping.

Refused - 21.07.2016 for the following reasons:

The proposed development by reason of its design, height, scale and mass would be an inappropriate development at this site, that would be out of proportion and out of keeping with the scale and design of the host properties, contrary to Policies 3.5 and 7.4 of the London Plan (2015), Policies H7 and BE1 of the Unitary Development Plan (2006) and the National Planning Policy Framework.

The proposed new dwelling, due to its position, height, scale, bulk and close proximity to the neighbouring building Coppice Community Church, would have an adverse impact on neighbour's amenities in terms of loss of outlook, an increase sense of enclosure contrary to Policy 7.6 of the London Plan (2015) and Policy BE1 of the Unitary Development Plan (2006).

Conclusions

It is considered the planning issues and considerations relate to:

- Principle of development and density;
- Design and scale;
- Neighbouring amenity;
- Standard of accommodation;
- Car parking and access;
- Cycle parking;
- Refuse;
- Sustainability and energy; and
- Community Infrastructure Levy.

Principle of development and density:

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 11 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 when assessed against

policies in the Framework or if 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.

The NPPF sets out a set of core land-use planning principles which should underpin both plan-making and decision-taking. Among others, planning should: always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and contribute to conserving and enhancing the natural environment.

The proposal is to provide an additional housing unit at this site through utilising the existing back garden of No.34. Back gardens are not included in the NPPF's definition of 'previously developed land' and consequently, careful consideration needs to be given to the design of the proposal, highways impacts, the effect it would have on the natural environment and the impact on the amenities of local residents.

The NPPF requires Local Planning Authorities to undertake a design critique of planning proposals to ensure that developments would function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Proposals must establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit; optimise the potential of the site to accommodate development, create and sustain an appropriate mix of uses and support local facilities and transport networks. Developments are required to respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. New development must create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and are visually attractive as a result of good architecture and appropriate landscaping.

London Plan and BLP policies further reinforce the principles of the NPPF setting out a clear rationale for high quality design. Policy 4 sets out a list of criteria which proposals will be expected to meet, the criteria is clearly aligned with the principles of the NPPF as set out above.

The proposed development which involves the sub-division of the existing plot would result in two smaller plots of uncharacteristically smaller proportions and garden areas than others in the locality and would have a detrimental impact on the character and appearance of the area and detract from the existing streetscene.

The proposed density of the development would equate to approximately 196 habitable rooms per hectare which is towards the upper limit of the recommended density ranges set out in Policy 3.4 of the London Plan (150-200 hr/ha) for a setting such as this. However, development plan policies related to density are intended to optimise not maximise development and whilst a quantitative assessment could

be made comparing the proposed site coverage to existing site coverage and using a numerical calculation of density, it is also important to consider the qualitative feel of the development in terms of its character and appearance, relationship to the established characteristics of the area and resultant relationship to existing development.

Design and Scale:

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. Policy 7.6 also relates to architecture and how buildings 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 comprise details and materials that complement, not necessarily replicate, the local architectural character.

Policy 37 of the BLP provides that development should not detract from the existing street scene and should complement the scale, form, layout and materials of adjacent buildings and area. It is stated that there is a need to encourage local distinctiveness and a sense of place.

The Council considers that the retention of space around residential buildings is essential to ensure adequate separation and to safeguard the privacy and amenity of adjoining residents. It is important to prevent a cramped appearance and unrelated terracing from occurring. It is also necessary to protect the high spatial standards and level of visual amenity which characterise many of the Borough's residential areas. Proposals for the replacement of existing buildings will be considered on their merits.

Gardens are not classified as brownfield land and the sensitive nature of these sites requires development only to be allowed where it will not adversely affect the local environment, its character and context, and where it will not lead to over development.

The design of the new dwelling, whilst not indicative in the area would still takes architectural cues from the surrounding properties in terms of the use of the brick, tile hanging and pitched roof. However, .

Neighbouring Amenity:

Policy 37 that new development will only be permitted where it can be demonstrated that the proposal does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an un-neighbourly sense of enclosure. This is supported by Policy 7.6 of the London Plan.

There are no first floor windows facing Nos. 70 and 72 Prescott Avenue and the donor dwelling No. 34 Hollingworth Road, as such it is considered that the proposal would therefore be unlikely to give rise to significant overlooking/loss of privacy at neighbouring sites.

The new house would be located only 6.5m from the rear of No.34 Hollingworth Road and approximately 6.2m from the flank elevation of Nos. 70 and 72 Prescott Avenue, it is considered that this distance would have a significant visual impact from the existing properties, detrimental to the outlook of its occupiers and would have a significant impact on the enjoyment of the garden to No. 34 compared to existing levels of amenity.

With regards to noise and disturbance, an additional dwelling would also inevitable generate activity that would increase the potential for noise and disturbance as a result of having two dwellings within a single plot given the regular arrangements of back gardens an additional dwelling at this position would be harmful to the existing living conditions of the neighbouring occupants. Mitigation methods to address this could be proposed, on balance it is still considered that an additional dwelling would also inevitable generate activity that would increase the potential for noise and disturbance as a result of having a new dwelling in this location and would be harmful to the existing living conditions of the neighbouring occupants.

Standard of accommodation:

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). In addition, consideration needs to be given to Policies 3.8 and 7.2 of the London Plan.

The floor space size of each of the new unit would be approximately 102.5m². The nationally described space standard requires 79m² for a 2-storey four person two bedrooomed unit. On this basis, the floorspace provision for the unit exceeds the required standards and is therefore considered acceptable.

The shape and room sizes in the proposed building are considered satisfactory. None of the rooms would have a particularly convoluted shape which would limit their specific use.

The SPG also requires a minimum of 5sqm of private outdoor space to be provided for 1-2 person dwellings and an extra 1sqm for each additional occupant. The proposed amenity space to the rear would be accessed from the ground floor however this would only provide a small rear element, given the location of this site on balance it is considered to be acceptable for a unit of this size. Notwithstanding the above comments, both the existing and proposed dwelling would appear to be provided with more than the minimum amount of private outdoor space required by the London Plan however they would be significantly smaller than the neighbouring provision.

Car Parking and Access:

London Plan Policy 6.13 requires the maximum standards for car parking, which is supported by Policy 30 of the BLP. The proposed development would provide 1 off-street parking spaces (and parking space for the original unit).

Concerns have been raised from neighbouring occupiers regarding the level of parking proposed and the existing parking in the area. No objections have been raised by the Council's Highway Officer in terms of parking arrangements given that cars could potentially be parked in both the existing and proposed dwelling and as the existing vehicular access will be utilised for the new dwelling, there are no objections from a highways safety perspective.

Cycle parking:

Cycle parking should be provided at all residential development in accordance with the standards set out in Table 6.3 of the London Plan. No cycle storage is proposed for the new dwelling and, given the loss of the existing garage, alternative cycle parking should be provided for occupiers of the host dwelling.

If the application were to be considered acceptable in all other respects, it would be appropriate to attach a cycle parking conditions to any subsequent grant of planning permission.

Refuse:

All new developments shall have adequate facilities for refuse and recycling. The applicant has provided details of refuse storage. Further details regarding a containment structure can be conditioned as necessary.

Sustainability and Energy:

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.

No information has been provided with regards to this, however appropriate sustainability measures to ensure that the development strives to achieve the objectives set out above can be conditioned if planning permission is granted.

Community Infrastructure Levy:

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

Conclusion

Having had regard to the above, it is considered that the proposed development would be harmful to the amenities of adjacent residential properties. It is also considered that on balance the negative impacts of the development are therefore

considered of sufficient weight to refuse the application notwithstanding the presumption in favour of development to increase housing supply.

Accordingly, and taking all the above into account, it is recommended that planning permission be refused as set out in this report.

Background papers referred to during production of this report comprise all correspondence on the file refs: set out in the Planning History section above, excluding exempt information.

RECOMMENDATION: APPLICATION BE REFUSED

The reasons for refusal are:

1. The proposed development by reason of its prominent siting, height, scale and bulk would constitute a cramped and unacceptable form of development on land which is not previously developed, resulting in a loss of garden land and detrimental to the amenities of the occupiers of adjoining properties, contrary to Policies 7.4 and 7.6 of the London Plan (2016) and Policies 4 and 37 of the Bromley Local Plan (2019).

You are further informed that:

- 1 1) You are advised that this application is considered to 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)). The Levy will appear as a Land Charge on the relevant land with immediate effect.**

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.