

SECTION '2' – Applications meriting special consideration

Application No : 19/02269/FULL1

Ward:
**Bromley Common And
Keston**

Address : Woodlands Holwood Park Avenue
Orpington BR6 8NQ

Objections: Yes

OS Grid Ref: E: 542801 N: 164678

Applicant : Mr John Ruprai

Description of Development:

Proposed demolition of the existing dwelling and the erection of a replacement 7 bedroom dwelling with accommodation over 2 floors and accommodation in the roofspace together with basement to substitute granted scheme DC/16/03654/FULL1

Key designations:

Conservation Area: Keston Park
Biggin Hill Safeguarding Area
London City Airport Safeguarding
Open Space Deficiency
Smoke Control SCA 14

Proposal

Part retrospective planning permission is sought for the demolition of the existing dwelling and erection of a replacement 7 bedroom detached house, including basement, accommodation in the roofspace, two car lifts and an indoor swimming pool.

Planning permission was granted in 2016 under planning application reference: DC/16/03654/FULL1 for a similar application. The application currently before the Council comprises of several revisions to the approved scheme.

The application is accompanied by a Design and Access Statement.

Location

The application site is located on the west side of Holwood Park Avenue. The area is characterised by large detached dwellinghouses of varying designs but these predominantly have pitched roofs, and traditional/arts & crafts style. Woodlands was previously a large detached house in a mock Tudor style dating back from

early phase of the Holwood Park Development. It is set back from the road and is set within significant landscaping.

The area is particularly notable for the long green front gardens and extensive plots. The site is located within the Keston Park Conservation Area.

Consultations

Nearby owners/occupiers were notified of the application and one letter of representation was received, which can be summarised as follows:

Letter of objection

- The Design & Access Statement for this Application includes a history of the Planning Applications for the property since 1984. However, it neglects to include in that history, the February 2018 REFUSAL of the non-material changes that the current application now refers.
- In summary, Planning Consent for the above mentioned development was originally refused in November 2015. However, following a successful Appeal, Planning Consent was granted in October 2016 (Ref: 16/03654/FULL1). Demolition and construction then began in December 2017.
- In February 2018 application was made for Non Material Amendments, which are broadly the changes in the current application. This application was refused and owners advised that the amendments would require full planning approval.
- It is my firm belief that the owner, his agent and the builders were all complicit in actively continuing the construction knowing that they did not have planning consent for what they were building and I think this shows a total disregard to Bromley Council, the democratic planning process as well as total contempt for local residents and the community in general.
- The originally approved application only showed 4 windows on the ground floor on the south west elevation, which borders our property, The Dormers. However, 6 windows have now actually been built.
- On the first floor, the originally approved application showed NO windows, but 4 blocked out frames for so called artistic appeal and symmetry. However, 6 actual windows have now been built.
- This substantial increase in the number of windows on our boundary creates a clear loss of privacy, as they all over look our property and garden. Had the original application shown these windows, we would have objected most strongly, but we were denied that opportunity.

- While the Design & Access Statement appears to say that the additional windows are only decorative and "fake window to match sliding sash window". The reality from our perspective is totally different, as we have no way of knowing if these windows are in fact "fake". I will acknowledge that they currently appear to be blacked out, however this could easily be reversed if planning was granted. Additionally, we have no way of knowing if these windows can actually open or not.
- More importantly, given that planning consent is granted to the property and not the owner, a situation could arise in the future that if the property was under new ownership, and those new owners decided that rather than "fake" windows they wanted to reinstate "real" windows, then what course of action would The Dormers then have to stop this?
- For these reasons, the new application should be refused and the applicant required to complete the construction as per the original approval and with blocked out frames and NO windows on the first floor.
- After 18 months of construction, no supervisory body noticed that the dwelling was not being built according to the approved plans. However the applicant clearly knew back in February 2018 that new planning permission was required yet they choose to do nothing about that, clearly hoping they "could get away with it" and therefore proactively decided to continue with the construction of the property, knowing full well that what was being built was not in accordance with the approved plans that had been granted for the property.
- A similar situation exists on the north east elevation, where the original approved application only showed 2 windows on the ground floor, while 3 windows have now been built. While on the first floor, the original approved application showed 5 blocked out window frames, while 6 actual "fake" windows have been built.
- Only the windows and blocked out frames from the original application should be reinstated.
- In my previous objections, I expressed grave concern regarding the depth of the dwelling adjacent to Beech Dell which I was worried would seriously compromise the sylvan character of the road and lead to a loss of significant trees which provided natural beauty and natural screening.
- The loss of significant trees from Beech Dell, which is now a sad shadow of its former self and the pretty sylvan character has been lost, only to be replaced by overbearing render and stone construction and an unattractive close boarded fence with little or no natural vegetation left.
- In the current Design & Access Statement, it says "the applicant would therefore be happy for landscaping works to be a conditional as part of any successful planning outcome" and I think it is absolutely essential that

conditional landscaping is absolutely required to try and restore some natural beauty and screening to Beech Dell.

- The Design & Access Statement also says that "all boundaries of the site benefit from mature planting", yet significant amounts of "mature planting" have been wantonly removed by the contractors. In some cases, this has been done to simply ease their right of access to the property.
- It is vitally important that conditional landscaping work is required to reinstate what has been removed along all boundaries.

Consultee comments

Highways -

Holwood Park Avenue is a private road. The access arrangements are not changing and there is ample parking on the site. I would have no particular comments on the proposal.

APCA - the file was not inspected.

Conservation Officer -

This proposal lies within the Keston Park Conservation Area. Until the beginning of the 20th century Keston Park was an area of woodland traversed by many picturesque rides, within the parkland of the Holwood House Estate. Holwood House has had many owners, most notably the Right Honourable William Pitt (Pitt the Elder) Prime Minister in the late 18th century. Following his death, the house was demolished and replaced by the current mansion, designed by the renowned architect, Decimus Burton. At the time of the disposal of the land on which Keston Park now stands, the house was owned by the Earl of Derby.

This proposal involves some minor changes to an approved scheme. These include changes to the fenestration details and minor elevation changes. I consider that these changes are acceptable from the conservation area point of view and matching materials will be used. The new windows use vertically sliding sash units to match those already approved and I consider this will not harm the conservation area.

In conclusion, I have no objection to this scheme from the conservation area point to view.

Environmental Health (Pollution) - no comments received at the time of writing.

Drainage -

The submitted Surface Water Drainage Layout plan shows a volume of flooding of 63.1 m³ for the 10080 min storm event, the proposed mitigations include the construction of 300mm bund along the periphery of the garden and assuming no deposited materials or structures are in the garden to contain the above volume. I am not sure this will be the case for the life time of the development as the garden will be used for different purposes which reduces the volume required and that can cause flooding to No. 8 . As such i ask the applicant to revise his strategy to increase the storage capacity of the proposed soakaway. I wonder what the calculations show for the 1 in 30 and 1 in 100 year plus 20% climate change storm events.

Thames Water -

Waste Comments

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer.

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.

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

The proposed development is located within 15m of our underground water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken.

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.

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 Bromley Local Plan (2019), 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:

Bromley Local Plan (2019):

Policy 4	Housing Design
Policy 6	Residential Extensions
Policy 8	Side Space
Policy 30	Parking
Policy 37	General Design of Development
Policy 41	Conservation Areas
Policy 73	Development and Trees
Policy 77	Landscape Quality and Character
Policy 112	Planning for Sustainable Waste management
Policy 117	Water and Wastewater Infrastructure Capacity
Policy 119	Noise Pollution
Policy 120	Air Quality

SPG No.1 - General Design Principles

SPG No.2 - Residential Design Guidance

Keston Park Conservation Area Guidance

The most relevant London Plan policies are as follows:

- o Policy 3.5 Quality and design of housing developments
- o Policy 3.8 Housing choice
- o Policy 5.1 Climate change mitigation
- o Policy 5.2 Minimising carbon dioxide emissions
- o Policy 5.3 Sustainable design and construction
- o Policy 6.13 Parking
- o Policy 7.2 An inclusive environment
- o Policy 7.3 Designing out crime
- o Policy 7.4 Local character
- o Policy 7.6 Architecture
- o Policy 8.3 Community infrastructure levy

Planning History

Under application reference: 16/03654/AMD a non-material amendment application was refused for various internal changes including revisions to basement, swimming pool and relocation of en-suite bathrooms.

Under planning application reference: 16/03654/FULL1 planning permission was granted for demolition of existing dwelling and construction of a replacement two storey 7 bedroom dwelling with additional roofspace and basement accommodation, associated landscaping and parking.

Planning application reference: 15/03657/FULL1 was dismissed at appeal on the 25th April 2016.

Under planning application reference: 15/03657/FULL1 planning permission was refused for demolition of existing dwelling and erection of replacement 7 bedroom dwelling with accommodation over two floors and accommodation in the roofspace and basement. The application was refused for the following reason:-

The proposed development would constitute an overdevelopment of the site by reason of its bulk, height and depth which would cause harm to the character and appearance of the Keston Park Conservation Area, contrary to Policies BE1 and BE11 of the Unitary Development Plan.

The design of the proposed dwelling would be poor and conspicuous in the street scenes, and harmful to the character and appearance of the Keston Park Conservation Area, contrary to policies BE1 and BE11 of the Unitary Development Plan.

Under planning application reference: 96/01160/CON planning permission was granted for demolition of existing garage/garden store and single storey rear extension. Conservation Area consent.

Under planning application reference: 96/01159/FUL planning permission was granted for front porch single storey side/rear extension including cellar with bin

store for demolition of existing garage/garden store and single storey rear extension.

Under planning application reference 01/00174 planning permission was refused for a single storey detached building for use as a granny annex.

Under planning application reference 88/02790 planning permission was granted for single storey rear extension and pitched roof to existing single storey rear extension.

Under planning application reference 84/00495 planning permission was granted for two storey side extension with integral garage.

Under planning application reference: 84/0060/FUL planning permission was granted for single storey detached building for changing rooms and plot room detached house.

Other replacement dwelling planning history on Holwood Park Avenue

At "Ravenshill" Demolition of existing dwelling and erection of a two storey replacement dwelling with basement and accommodation in the roof space with link detached triple garage and swimming pool was approved under reference: 16/01216/FULL1

At "Munde Dorrie", a replacement dwellinghouse was approved under reference 14/01371/FUL in 2014.

At "The Dormers", a replacement 7 bedroom dwelling was approved under reference 10/02794/FUL . This property is immediately south of the site.

Considerations

Resubmission

Under planning application reference: DC/16/03654/FULL1 planning permission was granted for 'demolition of existing dwelling and construction of a replacement two storey 7 bedroom dwelling with additional roofspace and basement accommodation, associated landscaping and parking'.

Demolition of the former dwelling and construction began in December 2017. In February 2018 an application was submitted to the Council for a non-material amendment to planning application DC/16/03654/FULL1 for various internal changes including revisions to the basement, swimming pool and relocation of en-suite bathrooms. This application was refused because the changes required full planning approval.

The application currently before the Council requires approval for the following changes:-

- Additional windows have been placed in the ground floor flank elevations on the north-east and south-west elevations.
- Six new windows have been erected in place of five blocked out window frames at first floor on the north-east elevation.
- Six new windows have been erected in place of four blocked out window frames on the first floor south-west elevation.
- The swimming pool building has changed orientation and is slightly smaller than previously approved.
- The new house has been built 10cm's closer to the neighbouring boundary with The Dormers.
- Addition of a lightwell to the basement
- Additional chimneys
- Internal changes to the layout of the property have been made.

Design, Siting and Layout

Policy 37 of the Local Plan requires new buildings to complement the scale, form, layout and materials of adjacent buildings and areas and seeks to protect the amenities of neighbouring properties.

The existing house was demolished in 2017 and building works commenced soon afterwards. A site visit was made by Officers in July 2019 where building works are continuing.

The main revisions from that originally approved are concerned with the introduction of windows on the first floor flank elevations of the property in place of blocked out window frames. A total of six new window frames are now shown on the north-east flank elevation and six new windows on the south-west flank elevation. On the ground floor one new window is shown on the ground floor (north-east elevation) and two new windows on the ground floor (south-west elevation).

The agent has provided additional information to request that the windows on the first floor flank elevations be referred to as 'false windows'. Two of the new windows serve non-habitable rooms (en-suites). Privacy film will be applied to the 'false windows' and only the upper sash part of the windows that can be lowered to provide ventilation. The other windows on the flank elevations will serve bedrooms but that the windows are not visible within the internal space because of the privacy film.

From a visual perspective the new window frames are the same dimensions as the blocked out window frames approved on the ground floor. The windows frames themselves are also of the same materials to those already approved. Overall, the additional of new windows in place of the blocked out window frames are considered acceptable.

The property has also been built 10cm's closer to the boundary with the neighbour 'The Dormers'. On balance this change is considered acceptable.

The swimming pool building has changed shape and is now shown rectangular in shape. Overall the building is approximately the same in terms of volume.

The additional chimney and lightwell to the basement are also considered acceptable additions.

Heritage Impact

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a requirement on a local planning authority in relation to development in a Conservation Area, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

Interpretation of the 1990 Act in law has concluded that preserving the character of the Conservation Area can not only be accomplished through positive contribution but also through development that leaves the character or appearance of the area unharmed.

It is noted that the proposals feature a neo-Georgian style. The Keston Park Conservation Area is mixed in character with a variety of architectural styles. The proposed dwelling would be significantly larger than the existing dwelling on site and there is concern that a building of such a significant footprint and size would be detrimental to the character and appearance of the area. This is notwithstanding the fact that a number of large replacement dwellings have been approved in the area.

No two houses are the same' on Holwood Park Avenue and that 'the majority on Holwood Park Avenue have been influenced by the Arts and Crafts movement and that there are examples of neo-classical design. All houses are set in large plots with significant planting and trees creating a landscaped setting.

The Conservation Officer has been consulted about the proposed revisions and considers they are acceptable from the conservation area point of view given that matching materials will be used. The new windows use vertically sliding sash units to match those already approved and consider this will not harm the conservation area.

Residential Amenity, Standard of Residential Accommodation and impact on Adjoining Occupiers

Policy 3.5 of the London Plan (2011) Quality and Design of Housing Developments 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. The proposals would comply with these requirements.

Policies 6 & 37 of the Bromley Local Plan states that the development should respect the amenity of occupiers of future occupants and should also respect the amenity of occupiers of neighbouring buildings and those of future occupants and ensure their environments are not harmed by noise and disturbance or by inadequate daylight, sunlight or privacy or by overshadowing.

The size of bedrooms proposed are considered to comply with the London Plan standard.

It is noted that the proposals include an extensive basement area but that no habitable accommodation is proposed to this area of the house.

Impact to neighbours

The main impact of the development is to the two neighbours either side; The Dormers and Bourne.

The introduction of windows on the first floor flank elevations of the property are considered to cause the biggest impact to neighbouring amenity in terms of overlooking and loss of privacy.

The six new windows on the first floor (north-east and south-west flank) will serve bedrooms and two en-suite bathrooms. Whilst the en-suite windows are shown to be obscure glazed (as detailed on the submitted drawings) the windows on the first floor will increase the level of overlooking and reduce privacy.

The neighbours at The Dormers have objected to the new windows on the grounds of a lost privacy and increased overlooking. Members will need to decide if the introduction of windows on both flank elevations will cause undue harm to the neighbours residential amenity. A side space of approximately 8.3m exists between Woodlands to the shared boundary with The Dormers. Mature planting, trees and vegetation does provide a degree of screening. The agent has set out that the windows on the flank elevation will have a privacy film applied to the windows and only the upper sash can be opened to provide ventilation.

On balance the windows are considered to respect the privacy between neighbours to not warrant the refusal of the application.

Trees

Policy 73 of the Local Plan states development will not be permitted if it will damage or lead to the loss of one or more trees in conservation area, unless:

- (i) removal of the tree/s is necessary in the interest of good arboricultural practice, or
- (ii) the reason for the development outweighs the amenity value of the tree/s.
- (iii) in granting permission for the development, one or more appropriate replacement trees of a native species will be sought either on or off site through the use of conditions or planning obligations.

The Tree Officer has provided a consultation response stating they have no objections to the proposed redevelopment of the site providing tree protection is addressed under condition. The redwood tree to the front of the application site should form the main feature in respect of protection measures.

Conclusions

It is acknowledged that the majority of the changes put forward by the applicant have already been carried out. On balance given the changes are mainly cosmetic and have been carried out with matching materials and in keeping with the host property the design is considered to preserve and enhance the conservation area.

The introduction of new windows, particularly on the first floor has the potential to cause a greater degree of overlooking and loss of privacy to neighbours, in particular The Domers, however, on balance the revisions are considered acceptable to not warrant the refusal of the application.

It is considered that the proposal would preserve the character and appearance of the conservation area and would have no significant impact on residential or visual amenities.

Background papers referred to during production of this report comprise all correspondence on the file ref(s) 19/02269/FULL1 and any other applications on the site 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 materials to be used for the external surfaces of the building shall be as set out in the planning application forms and / or drawings unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of the appearance of the building and the visual amenities of the area.

- 3 The surface water drainage system indicated on the approved drawings shall be completed before any part of the development hereby permitted is first occupied, and permanently retained thereafter.**

Reason: To ensure satisfactory means of surface water drainage and to accord with Policy 5.13 of the London Plan and Policies 115, 116 and 117 of the Bromley Local Plan

- 4 The development shall be retained strictly in accordance with the application plans, drawings and documents hereby approved.**

Reason: To ensure that the development is retained in accordance with the approved documents, plans and drawings submitted with the application in the interest of the appearance of the building and the visual amenities of the area and in order to comply with Policy 37 of the Bromley Local Plan

- 5 (a) Details of the proposed boundary treatments including any gates, walls or fences shall be submitted to and approved in writing by the local planning authority prior to commencement of the above ground works.**

(b) The approved boundary treatments shall be implemented prior to occupation of the buildings and retained in perpetuity.

Reason: In order to comply with Policy 37 of the Bromley Local Plan and in the interest of visual amenity and the amenities of adjacent properties.

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking and re-enacting this Order) no buildings, structures, extensions, alterations, walls or fences of any kind shall be erected or made within the curtilage(s) of the dwelling(s) hereby permitted without the prior approval in writing of the Local Planning Authority.**

Reason: In the interests of protecting the character of the area and residential amenity of neighbouring properties in accordance with Policy 37 of the Bromley Local Plan

You are further informed that :

- 7 Before the use commences, 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.**

8 You are advised that this application may be liable for the payment of the Mayoral Community Infrastructure Levy under the Community Infrastructure Levy Regulations (2010) and the Planning Act 2008. The London Borough of Bromley is the Collecting Authority for the Mayor and this Levy is payable on the commencement of development (defined in Part 2, para 7 of the Community Infrastructure Levy Regulations (2010)). It is the responsibility of the owner and /or person(s) who have a material interest in the relevant land to pay the Levy (defined under Part 2, para 4(2) of the Community Infrastructure Levy Regulations (2010)). If you fail to follow the payment procedure, the collecting authority may impose surcharges on this liability, take enforcement action, serve a stop notice to prohibit further development on the site and/or take action to recover the debt. Further information about Community Infrastructure Levy can be found on attached information note and the Bromley website www.bromley.gov.uk/CIL

9 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.

Refer to the advice given to the LPA and outlined in their report. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk